Exhibit B *rtgxkqwun{ 'hkrgf 'cu Dkt. 609-3) "

In the Matter Of:

UNITED STATES OF AMERICA v
GOOGLE, LLC

ITAMAR SIMONSON, PH.D. February 28, 2024



	Page 118		Page 120
1	interviews conducted; is that right?	1	A. So one of them is Kate
2	A. Yes.	2	Schofield. The other person's name is
3	O. And were those conducted	3	Greg Weiss.
4	individually?	4	O. W-E-I-S-S?
5	A. Yes.	5	A. Yes.
6	Q. And how were those	6	Q. And who for whom does
7	interviews conducted?	7	Kate Schofield work?
8	A. Well, an appointment was	8	A. They are both at Analysis
9	how do you say was set. And when the	9	Group.
10	time came, I was on the line, and one of	10	Q. Did they each conduct seven,
11	the team members at Analysis Group	11	or how did they divide them up?
12	contacted I believe contacted or went	12	A. I don't remember exactly.
13	to the site. It was a phone interview,	13	Each conducted several interviews. I
14	but I forget exactly how it came about.	14	don't remember the exact distribution.
15	But at some point I do	15	
16	-	16	Q. And those two individuals were responsible, together, for
17	recall the interviewer saying, is the	17	conducting all 14?
18	respondent on the line, or something like that. So it must have been some one	18	A. Yes.
19		19	
	of those services. And at some point the		~ 1
20	respondent said, yeah, I'm on the line.	20	A. Yes.
21	And I said, thank you for being here.	21	Q. And you listened to all 14
22	And the questions started.	22	as they were occurring?
23	Q. And so all 14 of the	23	A. Yes.
24	interviews were conducted over the	24	Q. Were the preliminary
	Page 119		Page 121
1	Page 119 telephone?	1	Page 121 interview respondents given any questions
1 2	· ·	1 2	· ·
	telephone?		interview respondents given any questions
2	telephone? A. As far as I recall, yes.	2	interview respondents given any questions in writing?
2 3	telephone? A. As far as I recall, yes. Q. And there was no video	2 3	interview respondents given any questions in writing? A. I don't I don't think so.
2 3 4	telephone? A. As far as I recall, yes. Q. And there was no video participation?	2 3 4	interview respondents given any questions in writing? A. I don't I don't think so. Q. And did the preliminary
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	Page 138		Page 140
1	A. I'm not aware of that.	1	the individuals who participated in the
2	Q. You don't think there's any	2	preliminary interviews excluded from the
3	recording anywhere of what ad agencies	3	survey?
4	were participants in your 14 preliminary	4	A. To my knowledge, yes.
5	interviews?	5	Q. And to your knowledge,
6	A. I don't recall receiving it.	6	were for the individuals who
7	I don't want to speculate	7	participated in the preliminary
8	about their names being being	8	interviews, were their respective
9	available somewhere.	9	companies excluded from the survey or
10	Q. Well, did you ask either	10	only the individual?
11	Analysis Group or AP to maintain a record	11	A. I mean, right now, sitting
12	of who was, in fact, interviewed as part	12	here now, I don't remember the answer.
13	of this process?	13	It may be another business
14	A. No.	14	unit from the same company might have
15	Q. Why not?	15	been interviewed. But, actually, I
16	A. It was not important at all.	16	should not speculate about it. I'm not
17	As I explained, the purpose	17	sure.
18	of those qualitative interviews were	18	Q. What were your instructions?
19	was very limited, and it would have made	19	A. I don't recall giving
20	no difference if the agency is X or Y.	20	specific instructions on that issue.
21	Q. Didn't you ask that the	21	Q. Do you recall the company
22	respondents who participated in the	22	names of any of the individuals who were
23	preliminary interview not be invited to	23	interviewed as part of the 14 preliminary
24	participate in the subsequent surveys?	24	interviews?
	Page 139		Page 141
1	A. Yes.	1	A. No.
2	Q. So how could you ensure that	2	Q. You don't recall a single
3	they were eliminated from subsequent	3	company name?
4	surveys if there was no record kept of	4	MS. DEARBORN: Objection.
5	who they were?	5	THE WITNESS: I don't if
6	A. AP, I assume, knew who was	6	I'm not wrong, I never knew their
7	interviewed.	7	names in the first place.
8	Q. Okay. So AP had a record of	8	BY MS. WOOD:
9	who was interviewed.	9	Q. What were the gender of the
10	A. Oh, yeah. Yes. Okay.	10	participants in the interview?
11	I assume that AP did I	11	A. I think there are two
12	mean, AP gave the names, and they knew	12	primary genders. So I'm what do you
13	who was interviewed, and they could make	13	mean by what were the genders?
14	sure that the same people would not be	14	Q. What was the gender
15	invited later.	15	distribution of the interview
16	Q. Okay. So AP has a list of	16	participants?
17	who who the 14 interview participants	17	A. Didn't kept track of that.
18	were?	18	It made no difference whatsoever. They
19	MS. DEARBORN: Objection to	19	were whatever they were.
20	form.	20	Q. Did you speak to any women?
21 22	THE WITNESS: I believe so,	21 22	A. I did not speak to anyone. Q. Did you hear a conversation
23	yes. BY MS. WOOD:	23	Q. Did you hear a conversation involving a woman interview participant?
24	Q. And to your knowledge, were	24	A. I'm pretty sure that the
	g. IIIa to your miowicage, were		II. I iii proces bare char the

			1	
		Page 142		Page 144
1	answer is y	es.	1	or the position, then I heard it
2	Q.	You believe you did?	2	while listening to the interview.
3	A.	I believe I did.	3	BY MS. WOOD:
4	٥.	What's your level of	4	Q. But you don't recall that
5	certainty a		5	now?
6	Α.	I'm not good at certainty.	6	A. Exactly.
7		roximately 90 percent.	7	O. But you wouldn't have to
8	0.	Okay. And how many women	8	memorize that information if you'd taken
9	~	articipants were there?	9	notes of that information, right?
10	A.	Did not recall.	10	A. It was completely
11	0.	You don't know whether they	11	unimportant for me.
12	were half?	Tou don't know whether they	12	Q. Okay. Over what period of
13	were nam:	I do not recall.	13	time were the preliminary interviews
				conducted?
14	Q.	Okay. What were the age of	14	
15	_	pants who were interviewed?	15	A. I think I forget.
16	Α.	I don't think I knew that.	16	Maybe I forget. Maybe August,
17	Q.	Did you ask that?	17	September.
18	Α.	No.	18	Q. So over multiple weeks?
19	Q.	Do you know whether	19	A. Yes. I think I forget
20		Perceptions had that	20	exactly. I think that the large-spend
21	information		21	advertisers were conducted first, if I'm
22	A.	I don't recall right now if	22	not wrong. Then the agencies. Then the
23	there was a	question about that. I sort	23	low-spend advertisers.
24	of doubt it	. They probably did not.	24	Q. And why were they done in
		Page 1/13		Page 145
		Page 143		Page 145
1	Q.	Do you know the state of	1	that order?
2	resident of	Do you know the state of the participants who	2	that order? A. I'm not sure. Just received
2 3	resident of	Do you know the state of the participants who d in the preliminary	2 3	that order? A. I'm not sure. Just received names of large advertisers first, and
2 3 4	resident of participate interviews?	Do you know the state of the participants who d in the preliminary	2 3 4	that order? A. I'm not sure. Just received names of large advertisers first, and and then wanted to do some agencies.
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2 3 4 5 6 7 8 9 10	resident of participate interviews? A. Q. the participate preliminary A. look at the see if that	Do you know the state of the participants who d in the preliminary No. Do you know the job title of pants who participated in the interviews? You know, I probably should at the questionnaire and was one of the preliminary	2 3 4 5 6 7 8 9 10	that order? A. I'm not sure. Just received names of large advertisers first, and and then wanted to do some agencies. Q. So were all the large-spend-advertiser preliminary interviews conducted before the first agency interview was conducted? A. You know, I I don't recall. I I don't know. I'm not sure that's the case, but I just don't
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	resident of participate interviews? A. Q. the participate preliminary A. look at the see if that questions. Q. the names of interviewed title of an interviewed form do name memory	Do you know the state of the participants who d in the preliminary No. Do you know the job title of pants who participated in the interviews? You know, I probably should — at the questionnaire and was one of the preliminary Right now, I don't remember. So you don't remember any of the companies who were , you don't remember the job y of the people that were ; is that correct? MS. DEARBORN: Objection to . THE WITNESS: I certainly ot remember. I didn't rize those interviews.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I'm not sure. Just received names of large advertisers first, and and then wanted to do some agencies. Q. So were all the large-spend-advertiser preliminary interviews conducted before the first agency interview was conducted? A. You know, I I don't recall. I I don't know. I'm not sure that's the case, but I just don't remember. Again, it was completely it was not important at all. Q. But you did ask Advertiser Perceptions to schedule the large-spend advertiser interviews before the agency and low-spend advertiser agencies? A. I'm not sure if it was an explicit request, but I think that's the way it happened, that we first received

	Page 146		Page 148
1	Q. And you don't remember the	1	that might have followed by a few
2	single company name of any of those	2	additional unstructured interviews.
3	agencies or advertisers?	3	Q. In general, do you consider
4	MS. DEARBORN: Objection to	4	it to be a best practice to take notes
5	form.	5	during preliminary interviews?
6	THE WITNESS: Again, as I	6	A. No.
7	said, as far as I recall, I never	7	Q. Why not?
8	heard those names. And that	8	A. Well, you know, each person
9	might explain why I don't	9	has his or her rules. And many years
10	remember any name.	10	ago, I noticed that, while being a
11	BY MS. WOOD:	11	student, that I often took the time to
12	Q. Well, did you ever ask the	12	take notes. And then thinking back, I
13	names?	13	said, have I ever used those notes. And
14	A. No. I couldn't care less	14	the conclusion was no, I just don't use
15	about the specific name.	15	notes. And I developed a rule of let's
16	Q. Okay.	16	not waste my time and effort taking
17	A. It was not important.	17	notes.
18	As I explained, the purpose	18	Q. So that's a rule that you
19	of the survey was quite limited, the	19	follow, not to take notes?
20	preliminary interviews.	20	A. You know, it's not written
21	Q. How long	21	anywhere. Just it's one of those rules
22	A. And for that for that	22	that we individuals develop, if you will,
23	purpose, there was no need to know the	23	over our lifetime.
24	names and all those other things you were	24	Q. So is the answer to my
1		1	
	Page 147		Page 140
	Page 147		Page 149
1	asking about.	1	question yes, that is a rule you've
2	asking about. Q. How long was each interview?	2	question yes, that is a rule you've developed for yourself, not to take
2 3	asking about. Q. How long was each interview? A. I think close to an hour.	2 3	question yes, that is a rule you've developed for yourself, not to take notes?
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	Page 162		Page 164
1	Q. At the beginning of the	1	of telling them, your company is not
2	preliminary interview guide, it asks if	2	involved, so that respondents don't feel
3	the participant has any questions before	3	like maybe they are inadvertently saying
4	the interviewer is to continue.	4	something that may come to or that may
5	Do you recall whether any of	5	be used against their own company.
6	the interview participants asked any	6	Q. What was your basis for
7	questions at that point?	7	suggesting that the participant's company
8	A. I don't recall that they	8	was not involved?
9	did, but it's not inconceivable. I just	9	A. There was a list of
10	don't recall any questions.	10	companies that we talked about, and
11	Q. Do you recall whether any of	11	they those who were included in the
12	the interview participants asked	12	preliminary interviews were not on that
13	questions about Google's sponsorship	13	list.
14	and/or the litigation involving Google?	14	Q. And that list is Appendix I
15	A. I do not recall, no.	15	of your to your report, correct?
16	Q. You don't recall that one	16	A. Yes, I believe so.
17	way or the other?	17	Q. And Appendix I is dated as
18	A. I just don't recall any	18	of August 15, 2023.
19	question being asked.	19	Do you see that?
20	Q. But you don't deny there	20	A. Let's see. Let me find
21	might have been questions asked?	21	that.
22	MS. DEARBORN: Objection to	22	MS. DEARBORN: Counsel, if
23	form.	23	you'd like me to help the
24	THE WITNESS: You cannot	24	witness he found it.
	Page 163		Page 165
1	deny something that you're not	1	THE WITNESS: I found the
2	aware of.	2	appendix. Yeah.
3	I was there. I listened to	3	Let's see. Okay.
4	the interviews. I don't remember	4	BY MS. WOOD:
5	any questions.	5	Q. Were were there other
6	BY MS. WOOD:	6	iterations of the no-contact list other
7	Q. But it's possible that you	7	than this one that is as of August 15,
8	forgot?	8	2023?
9	A. We yeah. We are all	9	A. I'm not aware of any other
10	human, and we are capable of forgetting.	10	list.
11	Q. In the introduction to the	11	Q. Were any interviews of any
12	preliminary interview guide, it states,	12	kind conducted prior to August 15, 2023?
13	"Based on our research, we understand	13	A. I don't think so.
14	that your company is not a participant in	14	Q. You indicated in your
15	those lawsuits."	15	report, at Paragraph 34, that these
16	What did you mean by "a	16	people that appear on in Appendix I,
17	participant in those lawsuits"?	17	the no-contact list, were excluded at the
18	A. Well, that was a way of	18	direction of counsel.
19	saying I mean, I didn't want to kind	19	A. Right.
20	of get into, well, you should know that	20	Q. Is that correct?
21	those who got, say, a subpoena or et	21	A. Yes.
22	cetera. It was determined that they	22	Q. Was the intent, to your
23	should not participate in the survey.	23	understanding, to exclude individuals or
24	So that was a succinct way	24	entities that might have a stake in

	Page 166		Page 168
1	litigation against Google?	1	Appendix I?
2	MS. DEARBORN: Please	2	A. I don't recall. Certainly
3	exclude from your from your	3	not me.
4	answer any information you	4	Q. Do you know the criteria
5	received only from counsel in	5	that was used to include individuals or
6	that regard.	6	companies on the no-contact list?
7	THE WITNESS: So I don't	7	MS. DEARBORN: Same
8	want to speculate about that.	8	caution.
9	I mean, I could I could	9	THE WITNESS: I do not
10	come up with my own reasoning,	10	know.
11	but I'd I'd rather not	11	BY MS. WOOD:
12	speculate. Because no one said	12	Q. Do you know why, if the
13	that's the reason why people who	13	intent was to survey advertisers, why
14	are directly involved in this	14	this list contains non-advertisers, such
15	litigation should not be	15	as publishers?
16	interviewed.	16	MS. DEARBORN: Same
17	I am familiar from other	17	caution.
18	contexts. Let's say if there are	18	THE WITNESS: I just do not
19	class actions in a particular	19	know.
20	category, and a class has already	20	BY MS. WOOD:
21	been certified, then I know that	21	Q. Do you know why the entities
22	if you conduct a survey after the	22	on the no-contact list are classified in
23	class was certified, you should	23	the right-hand column under the type of
24	not contact class members.	24	entity?
	Page 167		Page 169
1	Now, that's a different	1	MS. DEARBORN: Same
2	thing. Here we are not talking	2	caution.
3	about a class. But, you know, it	3	THE WITNESS: Again, I
4	seems to have the same sort of	4	didn't prepare it, so I don't
5	flavor.	5	know why.
6	BY MS. WOOD:	6	BY MS. WOOD:
7	Q. I guess my question is to	7	Q. And was every entity on the
8	you as the designer of the survey.	8	no-contact list excluded regardless of
9	Was it your intent to	9	the classification in the column, type of
10	exclude entities that would have a	10	entity?
11	financial stake in the outcome of	11	A. Yes.
12	litigation against Google?	12	Q. And was every individual who
13	MS. DEARBORN: Same	13	was in any way associated as an employee
14	caution, but you can answer the	14	or otherwise with each of those companies
15	question.	15	also excluded?
16	THE WITNESS: As I said,	16	A. So if any individuals who
17	I I don't I did not have	17	were associated with whatever it is,
18	the intention. It was an	18	reading the first one, 33 across, were
19	instruction from counsel, so I	19	not interviewed.
20	didn't ask them, why are you	20	Q. So, for example, where it
21	telling me not to include them.	21	says Alaska Department of Labor, no one
22	BY MS. WOOD:	22	from the Alaska Department of Labor would
23	Q. And who prepared the	23	be contacted or interviewed, even though
24	no-contact list that appears at	24	Alaska Department of Labor is referenced

Page 206 Page 208 1 1 hypothetical question about return on Why did you ask a bad 2 investment, ROI, on programatic display 2 question in the preliminary interview? 3 going down by 5 percentage points and 3 Well, it's a bad question in 4 4 whether that would prompt the respondent the sense that I don't believe that these 5 5 to change spending on programatic respondents can give a meaningful, 6 display. 6 informative answer. 7 7 Do you see that? But given that I was not 8 8 going to rely on those initial Α. I do. 9 Ο. Who developed the idea for 9 interviews, I said, okay, let's hear what 10 that question? 10 they say in response to such a question. 11 11 Why would you want to ask a It was probably me. It was 12 probably me. And I thought, even though 12 question that didn't give meaningful, 13 I believed that that is an improper 13 informative answers? 14 question for the actual survey -- and 14 MS. DEARBORN: Objection to 15 I've written about it, and I've done 15 form. Misstates testimony. 16 studies about that, and I've criticized 16 THE WITNESS: As I said, I 17 other people who ask people, let's say 17 asked a question because I wanted 18 the price goes up by X percent. No, 18 to hear how they think about it. 19 let's say the price goes up by Y percent, 19 I was not going to rely on their answers. And, as you know, 20 and so on. 20 21 21 Those questions are flawed I did not rely on the -- on the 22 in all kinds of ways. And it was clear 22 answers to the qualitative 23 to me that the only option, if we're 23 interviews, with the exception of 24 thinking now about the diversion 24 things that I'd talked about Page 207 Page 209 question, is to have a meaningful term 1 1 earlier. 2 that is not an absolute number, not a 2 But the 5 percent would 3 3 specific quantity. have been a bad question, a 4 question that I personally 4 And if you're interested, 5 I'm happy to share with you some of the 5 criticized others for using, and 6 6 research I've done on this topic. I published articles making that 7 already mentioned earlier, the pillow 7 point. 8 paper, which summarizes many of those 8 BY MS. WOOD: 9 studies. But if you read the articles 9 But my question to you is 10 that I have published over the years, 10 not why you didn't use the 5 percent 11 you'll see the same thing over and over 11 question in your ultimate survey. You've 12 12 given extensive answers about that. What again. 13 So, here, I wanted to see in 13 I'd like to know is why you did use it in 14 the context of the preliminary 14 the preliminary interview. 15 interviews, on which I was not going to 15 What information did it give 16 rely for any purpose other than the 16 you that you couldn't have gotten through 17 things that I already said. I didn't 17 other means? 18 think that asking them what would you do, 18 MS. DEARBORN: Form. 19 would you change X if the cost went up by 19 Go ahead. 20 5 percent. That's a bad question. I 20 THE WITNESS: Maybe I could 21 21 criticize other people for doing that. have asked a different question. 22 So I think -- yeah, so that 22 I just said, let's -- let's ask 23 question was asked. Not a question I 23 about X percent, whatever it is, 24 would include in an actual survey. 24 5 percent, 10 percent,

	3-1, 1-3	1	
	Page 210		Page 212
1	20 percent. For whatever reason,	1	A. I remember that. I mean,
2	I ask here about 5 percent.	2	I
3	And then there's a question	3	MS. DEARBORN: Yeah, sorry.
4	there in B about goes down by	4	I object to form.
5	10 percentage point.	5	BY MS. WOOD:
6	So I asked those questions	6	Q. My question is just who came
7	knowing there are severe	7	up with the idea of a diversion question
8	limitations.	8	at all regardless of how it's
9	BY MS. WOOD:	9	phrased
10	Q. But why?	10	A. I see.
11	A. Why. Because I just wanted	11	Q who came up was that
12	to hear how respondents think about that	12	part of your assignment or was that
13	issue.	13	something you came up with?
14	Q. Why was that important to	14	A. So I think an issue that I
15	you?	15	wanted to get at was whether display,
16	A. Just to inform me in this	16	programatic display advertising, or in
17	exploratory phase and to see how they	17	the case of the smaller advertisers,
18	think about those kind of issues.	18	display advertising, has substitutes.
19	Q. And why phrase it in a way	19	In other words, if the cost
20	that you believe to be problematic? Why	20	of display display advertising goes
21	couldn't you phrase it in a way that you	21	up, whether respondents would say, in
22	thought was less problematic and still	22	that case we're not changing; or they
23	hear that how they think about those	23	say, yes, we will change.
24	issues?	24	Again, making sure I'm not
	Page 211		Page 212
	Page 211		Page 213
1	A. I mean	1	asking about absolute or a specific
2	A. I mean MS. DEARBORN: Objection to	2	asking about absolute or a specific number. And when I ask them about the
2 3	A. I mean MS. DEARBORN: Objection to form.	2 3	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I,
2 3 4	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have	2 3 4	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from,
2 3 4 5	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's	2 3 4 5	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially.
2 3 4 5 6	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true.	2 3 4 5 6	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was
2 3 4 5 6 7	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I	2 3 4 5 6 7	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not
2 3 4 5 6 7 8	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my	2 3 4 5 6 7 8	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your
2 3 4 5 6 7 8	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time.	2 3 4 5 6 7 8	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up
2 3 4 5 6 7 8 9	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about	2 3 4 5 6 7 8 9	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with?
2 3 4 5 6 7 8 9 10	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the	2 3 4 5 6 7 8 9 10	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry.
2 3 4 5 6 7 8 9 10 11	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent.	2 3 4 5 6 7 8 9 10 11	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer.
2 3 4 5 6 7 8 9 10 11 12	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD:	2 3 4 5 6 7 8 9 10 11 12 13	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among
2 3 4 5 6 7 8 9 10 11 12 13	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the	2 3 4 5 6 7 8 9 10 11 12 13 14	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were	2 3 4 5 6 7 8 9 10 11 12 13 14	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by anyone else?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising and other types of digital advertising.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by anyone else? A. Absolutely.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising and other types of digital advertising. Q. And with that assignment in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by anyone else? A. Absolutely. Q. And you refer to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising and other types of digital advertising. Q. And with that assignment in mind, you came up with Question 45 in the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by anyone else? A. Absolutely. Q. And you refer to Question 45, and similar well, related	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising and other types of digital advertising. Q. And with that assignment in mind, you came up with Question 45 in the preliminary interview guide?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by anyone else? A. Absolutely. Q. And you refer to Question 45, and similar well, related questions in the survey as the diversion	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising and other types of digital advertising. Q. And with that assignment in mind, you came up with Question 45 in the preliminary interview guide? MS. DEARBORN: Form.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by anyone else? A. Absolutely. Q. And you refer to Question 45, and similar well, related questions in the survey as the diversion questions.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising and other types of digital advertising. Q. And with that assignment in mind, you came up with Question 45 in the preliminary interview guide? MS. DEARBORN: Form. THE WITNESS: Absolutely
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I mean MS. DEARBORN: Objection to form. THE WITNESS: I could have asked it in other ways. That's probably true. I, for whatever reason I don't remember, exactly, my thinking process at the time. But I just happened to ask about the 5 percent and then the 10 percent. BY MS. WOOD: Q. And your recollection is the 5 percent and the 10 percent were concepts that you came up with, not concepts that were suggested to you by anyone else? A. Absolutely. Q. And you refer to Question 45, and similar well, related questions in the survey as the diversion	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	asking about absolute or a specific number. And when I ask them about the extent of diversion to each type, I, again, use a relative scale, going from, keep to same, to increase substantially. Q. Again, my question was, was that diversion topic generally, not how it was worded part of your assignment or an idea that you came up with? A. No. As I said I'm sorry. Maybe I didn't give you a direct answer. Yeah, I was asked, among other issues and you see the list of objectives to design a survey that will examine the degree of substitution, if any, from between display advertising and other types of digital advertising. Q. And with that assignment in mind, you came up with Question 45 in the preliminary interview guide? MS. DEARBORN: Form.

			1 001ddi y 20, 202 i
	Page 214		Page 216
1	BY MS. WOOD:	1	sure there are all kinds of
2	Q. Okay. How, if at all, did	2	options.
3	Question 45 in the preliminary interview	3	The specific phrasing of
4	guide inform the survey questions on that	4	the question was not an important
5	same subject of diversion?	5	consideration, so that just came
6	A. It did not. As I said, if	6	to mind, and that's what I used
7	you look at the question, it's entirely	7	in those in those preliminary
8	different.	8	interviews.
9	Question 45 has the flaws	9	BY MS. WOOD:
	·-	10	
10	that I pointed to in earlier work. Was		Q. But in those preliminary
11	not intended to be the diversion question	11	interviews, you drafted and regardless
12	in an actual survey.	12	of whether you drafted, you certainly
13	Q. In other work, have you ever	13	approved Question 45, correct?
14	used flawed questions like Number 45?	14	A. Right.
15	A. Yes.	15	Q. Why did you focus
16	Q. And if you believe 45	16	Question 45 on return on investment going
17	A. And I should say other	17	down as opposed to costs going up, for
18	surveys if we talk about unstructured	18	example?
19	qualitative interviews that are	19	A. Well, you know, I cannot sit
20	exploratory in nature, where my focus was	20	here, six, seven months later and
21	on other issues, in which case the actual	21	recreate my thinking back then. I mean,
22	wording of the questions was not an	22	any question you ask, there are probably
23	important consideration, or maybe I	23	other ways of asking it.
24	wanted to explore, for whatever reason,	24	I don't I don't recall
	Page 215		Page 217
			raye 217
1	something else.	1	
1 2	something else. O. But even in an	1 2	considering what you just said. But
2	Q. But even in an	2	considering what you just said. But there are other ways and especially
2 3	Q. But even in an unstructured unstructured qualitative	2 3	considering what you just said. But there are other ways and especially when you conduct those kind of
2 3 4	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your	2 3 4	considering what you just said. But there are other ways and especially when you conduct those kind of interviews, where the content of the
2 3 4 5	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your questions to be as good as possible?	2 3 4 5	considering what you just said. But there are other ways and especially when you conduct those kind of interviews, where the content of the answers is not important and the actual
2 3 4 5 6	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your questions to be as good as possible? MS. DEARBORN: Form.	2 3 4 5 6	considering what you just said. But there are other ways and especially when you conduct those kind of interviews, where the content of the answers is not important and the actual survey will be entirely different than
2 3 4 5 6 7	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your questions to be as good as possible? MS. DEARBORN: Form. THE WITNESS: I thought	2 3 4 5 6 7	considering what you just said. But there are other ways and especially when you conduct those kind of interviews, where the content of the answers is not important and the actual survey will be entirely different than these qualitative interviews, having the
2 3 4 5 6 7 8	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your questions to be as good as possible? MS. DEARBORN: Form. THE WITNESS: I thought that this set of questions would	2 3 4 5 6 7 8	considering what you just said. But there are other ways — and especially when you conduct those kind of interviews, where the content of the answers is not important and the actual survey will be entirely different than these qualitative interviews, having the perfect question was not my intention or
2 3 4 5 6 7 8	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your questions to be as good as possible? MS. DEARBORN: Form. THE WITNESS: I thought that this set of questions would inform me about the thinking of	2 3 4 5 6 7 8	considering what you just said. But there are other ways and especially when you conduct those kind of interviews, where the content of the answers is not important and the actual survey will be entirely different than these qualitative interviews, having the perfect question was not my intention or criterion that I considered for those
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your questions to be as good as possible? MS. DEARBORN: Form. THE WITNESS: I thought that this set of questions would inform me about the thinking of those few respondents. I was not interested, and as I said, as you know, I did not bother to remember this content of specific answers. I just wanted something that has to do with cost increase.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	considering what you just said. But there are other ways and especially when you conduct those kind of interviews, where the content of the answers is not important and the actual survey will be entirely different than these qualitative interviews, having the perfect question was not my intention or criterion that I considered for those limited interviews. Q. I can understand why you wouldn't be concerned with coming up with the perfect question. My question is why you would use a question with known flaws? MS. DEARBORN: Objection to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. But even in an unstructured unstructured qualitative interview, why wouldn't you want your questions to be as good as possible? MS. DEARBORN: Form. THE WITNESS: I thought that this set of questions would inform me about the thinking of those few respondents. I was not interested, and as I said, as you know, I did not bother to remember this content of specific answers. I just wanted something that has to do with cost increase. BY MS. WOOD: Q. And why couldn't you have just asked the survey participants, what would you do if there was a cost increase?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	considering what you just said. But there are other ways and especially when you conduct those kind of interviews, where the content of the answers is not important and the actual survey will be entirely different than these qualitative interviews, having the perfect question was not my intention or criterion that I considered for those limited interviews. Q. I can understand why you wouldn't be concerned with coming up with the perfect question. My question is why you would use a question with known flaws? MS. DEARBORN: Objection to form. Asked and answered. THE WITNESS: As I said as I said, I it did not affect. It just came to mind, 5 percent. I saw other people,

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	Page 218		Page 220
1	else used something like that.	1	have made no difference to me.
2	Maybe which I criticized.	2	It's not something I looked at.
3	Maybe I I'll just use	3	That was not the intention of
4	something like that, even though	4	that question.
5	I previously criticized that.	5	And that's another way of
6	BY MS. WOOD:	6	saying the format of the
7	Q. Do you do that often? Do	7	question, in the context of those
8	something that you, in other	8	very few interviews, really
9	circumstances, criticize?	9	played no significant role in my
10	MS. DEARBORN: Objection to	10	thought process.
11	form.	11	BY MS. WOOD:
12	THE WITNESS: It's might	12	Q. What was the purpose of the
13	have happened, depending on the	13	question? If you didn't care about the
14	purpose of what I'm studying.	14	5 percent, you didn't care about the
15	I mean, I don't I	15	10 percent, you didn't care about the
16	wouldn't include in my actual	16	ROI, what did you care about?
	-		-
17 18	surveys flawed questions or	17 18	MS. DEARBORN: Objection to form.
	things that I criticized. In fact, I'm making effort for that		
19 20	, 3	19	
	not to happen. Most importantly, because I believe in what I said.	20	already answered that a few
21 22	And if I criticize them for	21	times.
		22	As I said, I wanted to see
23	asking those kinds of questions,	23	if there is if something jumps
24	I believe that the wrong thing to	24	out here in the survey,
	Page 219		Page 221
1	say, to ask, and I would not	1	something, like, I use a term.
2	include that in my surveys.	2	You asked me about that.
3	BY MS. WOOD:	3	100 percent of the respondents
4	Q. But you have no problem with		
-		4	say, DSP, never heard about this
5	asking flawed questions that you've	4 5	
6	asking flawed questions that you've		say, DSP, never heard about this thing. Or advertising tool. I
		5	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause
6	asking flawed questions that you've criticized, as long as you know in	5 6	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be
6 7 8	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the	5 6 7 8	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all
6 7 8 9	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those?	5 6 7 8 9	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that
6 7 8 9 10	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has	5 6 7 8 9	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause.
6 7 8 9 10	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has MS. DEARBORN: Please let	5 6 7 8 9	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see,
6 7 8 9 10 11	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has MS. DEARBORN: Please let me get an objection in.	5 6 7 8 9 10 11 12	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see, am I interviewing people who are
6 7 8 9 10 11 12 13	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has MS. DEARBORN: Please let me get an objection in. Objection to form.	5 6 7 8 9 10 11 12 13	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see, am I interviewing people who are knowledgeable. We discussed
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6 7 8 9 10 11 12 13 14 15 16 17 18	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those? A. Has MS. DEARBORN: Please let me get an objection in. Objection to form. THE WITNESS: It has nothing to do with keeping the results or not keeping the results. It has absolutely nothing to do with that. As I said, let's say I	5 6 7 8 9 10 11 12 13 14 15 16 17 18	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see, am I interviewing people who are knowledgeable. We discussed earlier my selection of AP. So regardless of the question format and the answers, that's not what I used those few preliminary interviews for. BY MS. WOOD:
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has MS. DEARBORN: Please let me get an objection in. Objection to form. THE WITNESS: It has nothing to do with keeping the results or not keeping the results. It has absolutely nothing to do with that. As I said, let's say I ask ask about 5 percent, and	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see, am I interviewing people who are knowledgeable. We discussed earlier my selection of AP. So regardless of the question format and the answers, that's not what I used those few preliminary interviews for. BY MS. WOOD: Q. Do you recall any answers at
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has MS. DEARBORN: Please let me get an objection in. Objection to form. THE WITNESS: It has nothing to do with keeping the results or not keeping the results. It has absolutely nothing to do with that. As I said, let's say I ask ask about 5 percent, and they say, okay, that will cause	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see, am I interviewing people who are knowledgeable. We discussed earlier my selection of AP. So regardless of the question format and the answers, that's not what I used those few preliminary interviews for. BY MS. WOOD: Q. Do you recall any answers at all that you got in response to
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has MS. DEARBORN: Please let me get an objection in. Objection to form. THE WITNESS: It has nothing to do with keeping the results or not keeping the results. It has absolutely nothing to do with that. As I said, let's say I ask ask about 5 percent, and they say, okay, that will cause us to decrease use of display	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see, am I interviewing people who are knowledgeable. We discussed earlier my selection of AP. So regardless of the question format and the answers, that's not what I used those few preliminary interviews for. BY MS. WOOD: Q. Do you recall any answers at all that you got in response to Question 45?
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	asking flawed questions that you've criticized, as long as you know in advance that you're not going to keep the results of those or use the results of those? A. Has MS. DEARBORN: Please let me get an objection in. Objection to form. THE WITNESS: It has nothing to do with keeping the results or not keeping the results. It has absolutely nothing to do with that. As I said, let's say I ask ask about 5 percent, and they say, okay, that will cause	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	say, DSP, never heard about this thing. Or advertising tool. I mean, that might give me a pause at least. They may be unrepresentative, given with all but such a small sample, but that may give me pause. In addition, I want to see, am I interviewing people who are knowledgeable. We discussed earlier my selection of AP. So regardless of the question format and the answers, that's not what I used those few preliminary interviews for. BY MS. WOOD: Q. Do you recall any answers at all that you got in response to

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	Page 222		Page 224
1	BY MS. WOOD:	1	a complete run of the survey with a
2	Q. Have you now told me	2	sufficiently large sample and you conduct
3	everything that you recall about the	3	a survey. And sometimes people may do
4	14 preliminary interviews?	4	that because they want to to know what
5	MS. DEARBORN: Form.	5	the result would be.
6	THE WITNESS: I hesitate	6	A pretest, I think it often
7	to I believe so. Nothing	7	involves a smaller number of respondents,
8	comes to mind that I didn't tell	8	and it's often designed to test whether
9	you. But, obviously, it's a	9	people, for example, say, I don't
10	function of the question you ask.	10	understand what the survey is about, or
11	But I cannot think of anything I	11	some something out of the ordinary
12	have not told you. I think the	12	that tells you that there is something
13	past four hours addressed the	13	wrong with the survey.
14	BY MS. WOOD:	14	Q. How many pretests do you
15	Q. Is there	15	typically conduct for a survey?
16	A qualitative interviews	16	A. You said typically? None.
17	quite thoroughly.	17	Q. And why is that?
18	Q. Is there anything you could	18	A. In the context of
19	do to further refresh your recollection	19	litigation?
20	about the answers that you heard during	20	Q. Yes.
21	the 14 preliminary interviews, other than	21	A. In the context of litigation
22	what you've already done?	22	it would be you know, sometimes an
23	A. No.	23	attorney would say, well if you talk
24	Q. Did any of the interview	24	about pretest like a pilot sort of
-			
	Page 223		Page 225
1	•	1	
1 2	Page 223 participants ask any questions at all about Google or the lawsuit?	1 2	Page 225 someone would say, well, I'm curious if what you can you find
	participants ask any questions at all		someone would say, well, I'm curious if what you can you find
2	participants ask any questions at all about Google or the lawsuit?	2	someone would say, well, I'm curious
2 3	participants ask any questions at all about Google or the lawsuit? MS. DEARBORN: Form.	2 3	someone would say, well, I'm curious if what you can you find respondents and what the results will be.
2 3 4	participants ask any questions at all about Google or the lawsuit? MS. DEARBORN: Form. THE WITNESS: I think we talked about that already, and I	2 3 4	someone would say, well, I'm curious if what you can you find respondents and what the results will be. So that will involve, you know you know, a significant sample
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2 3 4 5 6 7	participants ask any questions at all about Google or the lawsuit? MS. DEARBORN: Form. THE WITNESS: I think we talked about that already, and I do not recall anyone asking such a question.	2 3 4 5 6 7	someone would say, well, I'm curious if what you can you find respondents and what the results will be. So that will involve, you know you know, a significant sample size. So that would be more along the lines of a pilot study. That happens.
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- 1 But let's say it's in the --2 close to the threshold. You need quite a 3 few respondents. And I tell the 4 attorney, it's pointless. Let's design a
- 5 survey as I think it should be designed 6 and let the chips fall as they may. If
- 7 the results are what you expect, just --
- 8 that will be the survey. I may add even 9 more respondents.
- 10 If the results are not what 11 you expect, then you will -- you will 12 decide what you want to do, but chances 13 are you will decide to hire another
- 14 expert. 15 Because if I would sit at a 16 deposition and someone would ask, are you 17 aware of any other survey that was
- 18 conducted, I would say yes, because I was 19 involved in a pretest, and I would have
- 20 to -- and that happens often. That, you
- 21 know -- usually, if I think beforehand,
- 22 there's no way the attorney is correct, I
- 23 just say, let's not waste your client's,
- 24 you know, time and money. If it's kind

- Page 228
 - time TV for, I don't know, \$5 a month. 1 2 And that -- they were pretty successful.
 - 3 I believe this case went all the way to
 - 4 the Supreme Court.
 - 5 But -- and that was sort of 6 an unusual -- that -- that was a
 - 7 different kind of survey.
 - 8 But I normally don't --9 don't run pretests. I just design the 10 survey as I think, based on my experience, it should be conducted, and 11 12 then, as I said, let the chips fall as 13 they may.
 - So what circumstances led Ο. you to do a pretest here?
 - 16 I just wanted to -- I didn't 17 expect anything surprising. And, 18 obviously, with such a small number of 19 pretest interviews, that wouldn't tell 20 you about -- anything about results.
 - Just wanted to see if anything jumps out in the sense that, you know, when we ask respondents at the very end, do you have any questions, was

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- 1 of not so clear, then I say, okay, let's 2 give it a try.
- 3 And sometimes it is what they expect. Other times it's not what 4
 - they expect. If it's not what they
- 6 expect, I guess they tend to hire another 7 expert.
- 8 Ο. How many times in litigation 9 have you conducted a survey where you 10 used pretests?
- 11 Very -- you mean like --12 like what I did here with relatively few
- 13 interviews?

Q.

5

14

15 Α. Very, very few cases. Very

Yes.

- 16 I cannot think -- I think there 17 were -- I did some pretests in the Oracle
- 18 v. Google case.
- 19 I might have done
- 20 pretests -- I'm not even sure about
- 21 that -- in a case involving the networks
- 22 against a company that was mostly in
- 23 New York, called Aereo -- I think it's
- spelled A-E-R-E-O -- which offered prime

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- any -- was any question unclear, if I
- 2 find that many of the pretest respondents
- 3 say, you know, X was not clear, you know, 4 that definitely would have caused me to
- 5 reconsider how I phrased that question.
- 6 Is it important that the pretest be done by participants who are 7 8 generally representative of the larger 9 survey population?
- 10 If -- again, if the number Α. 11 of pretest respondents is small, then I'm not concerned about representativeness. 12
- 13 Ο. And here you conducted 14 12 pretests; is that correct?
 - Α. Yes
 - Q. Five in the higher-spend category, three in the lower-spend category, and four in the ad agency category; is that correct?
 - Α. Yes.
- 21 Ο. Did you keep records of 22 those pretest results?
 - MS. DEARBORN: Form. THE WITNESS: You know,

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	Page 230		Page 232
2	frankly, I don't recall if we	1	what page are you looking at?
	did.	2	Q. Your report, Appendix E.
3	I mean, that was actual	3	A. So as I said, just a brief
4	questionnaires that were I	4	introduction, then they go to the survey.
5	don't I don't I'm not aware	5	They complete it, and then they they
6	of records being kept. But	6	are asked a few brief questions.
7	sitting here now, I'm not	7	But for all practical
8	100 percent.	8	purposes, these people did the survey on
9	BY MS. WOOD:	9	their own, like actual respondents did
10	Q. Did you ask that the records	10	subsequently.
11	be kept?	11	0. Who was the moderator for
12	MS. DEARBORN: Form.	12	the 12 pretests?
13	THE WITNESS: I I do	13	A. If I recall correctly, they
14	recall that being informed	14	were the same people that did the
15	that the respondents said	15	qualitative interviews, but I'm not
16	everything pretty much maybe	16	certain about that. I don't I don't
17	there were a couple of	17	recall.
18	exceptions everything was	18	Q. And you didn't listen to any
19	clear and they did not identify	19	of the pretests?
20	any problems.	20	A. No. There was nothing to
21	BY MS. WOOD:	21	listen to, aside from, I guess, the last
22	Q. What were the couple of	22	few questions.
23	exceptions?	23	Q. Right. There was the the
24	A. I I do not recall.	24	script that you provide in Appendix E is
24	A. I I do not recair.	27	script that you provide in Appendix E is
	Page 231		Page 233
1	Q. You don't recall anything	1	what you could have listened to, right?
2	about the exceptions to everything being	2	A. Right.
3	clear?	3	Q. And you did not?
4	MS. DEARBORN: Form.	4	A. I did not listen to those.
5	THE WITNESS: I that's	5	Yes.
6	correct.	6	Q. Okay. And and so you
7	BY MS. WOOD:	7	have no firsthand knowledge of any of the
	Q. Did you personally	8	answers to any of the questions that were
8	participate in the pretest?	9	asked as part of the pretest?
9	A. No.	10	A. I had the reports of those
	Q. Who did?	11	who did that.
9			
9 10 11	A. I mean I mean, these were	12	Q. And were those written
9 10 11 12	A. I mean I mean, these were actual they were similar aside from	12 13	Q. And were those written reports?
9 10 11	actual they were similar aside from		
9 10 11 12 13	actual they were similar aside from the questions that appear at the end,	13	reports?
9 10 11 12 13 14	actual they were similar aside from the questions that appear at the end, these were just like normal interviews.	13 14	reports? A. I do not recall if that was just information shared with me when we
9 10 11 12 13 14 15 16	actual they were similar aside from the questions that appear at the end, these were just like normal interviews. Q. If you look at Appendix E to	13 14 15	reports? A. I do not recall if that was just information shared with me when we met for our, you know, weekly meeting
9 10 11 12 13 14 15 16	actual they were similar aside from the questions that appear at the end, these were just like normal interviews.	13 14 15 16	reports? A. I do not recall if that was just information shared with me when we met for our, you know, weekly meeting you know, one of our weekly meetings.
9 10 11 12 13 14 15 16 17	actual they were similar aside from the questions that appear at the end, these were just like normal interviews. Q. If you look at Appendix E to your report, it has the pretest moderator instructions?	13 14 15 16 17 18	reports? A. I do not recall if that was just information shared with me when we met for our, you know, weekly meetingyou know, one of our weekly meetings. Yeah, and by the way, there
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9 10 11 12 13 14 15 16 17 18 19 20 21	actual they were similar aside from the questions that appear at the end, these were just like normal interviews. Q. If you look at Appendix E to your report, it has the pretest moderator instructions? A. Right. But the moderator didn't ask the questions and did not interfere in the at the beginning,	13 14 15 16 17 18 19	A. I do not recall if that was just information shared with me when we met for our, you know, weekly meeting you know, one of our weekly meetings. Yeah, and by the way, there was no reason for me to participate because most of the time is taken by the respondent working on his or her own,
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	Poge 202		Page 204
	Page 282		Page 284
1	difference?	1	zero percent of the respondents answered
2	A. Yes.	2	that they were in government?
3	Q. Okay. Let's turn to	3	A. Yes, I do see that.
4	Exhibit 37 to your report, which is the	4	Q. And zero percent answered
5	same response statistics for the	5	that they were employed by a nonprofit?
6	lower-spend advertiser survey.	6	A. That's right.
7	MS. DEARBORN: Counsel, we	7	Q. Okay.
8	can go whenever, but at an	8	MS. WOOD: We can take a
9	appropriate time to take a break,	9	break.
10	I'm going to need a bio break.	10	THE WITNESS: So and
11	MS. WOOD: Sure. I mean,	11	these are the lower-spend
12	if you need one now	12	advertisers.
13	MS. DEARBORN: No, it's	13	MS. WOOD: There's no
14	okay.	14	question pending.
15	MS. WOOD: Let's just	15	THE WITNESS: Okay. I'm
16	finish this page.	16	just completing my answer.
17	MS. DEARBORN: That's fine.	17	I'm saying, this is an
18	THE WITNESS: So where	18	exhibit that relates to lower
19	BY MS. WOOD:	19	spend, where people who get
20	Q. It's Exhibit 37.	20	got to this question were neither
21	A. Okay.	21	nonprofit nor government.
22	Q. Now, this summarizes the	22	BY MS. WOOD:
23	response statistics that were included	23	Q. The people who survived QS7
24	for the lower-spend advertiser survey,	24	did not indicate that they were nonprofit
	Page 283		Page 285
1	correct?	1	or government, correct?
2	A. Right.	2	MS. DEARBORN: Objection to
3	Q. And here you see the number	3	form.
4	we discussed before, that 17 percent of	4	THE WITNESS: Exactly.
5	the lower-spend advertiser survey	5	Even though, presumably, the QS7
6	participants were excluded because of the	6	for the low spend was somehow
7	answer that they gave to QS7, correct?	7	better and presumably helped
8	A. Right.	8	increase the number of nonprofit
9	Q. And that was, for this	9	and government, that does not
10	survey, 178 people, correct?	10	appear to be the case.
11	A. Right.	11	But, anyway, we can take a
12	Q. And do you know, of those	12	break.
13	individuals, how many of those had	13	MS. WOOD: Let's take a
14	indicated "other"?	14	break.
15	A. Fewer.	15	THE VIDEOGRAPHER: Going
16	Q. How many of if you turn	16	off the record at 3:17 p.m.
177	to Exhibit 40.	17	(Short break.)
17		I	
18	A. Okay.	18	THE VIDEOGRAPHER: We are
	A. Okay. Q. Exhibit 40 shows, in	18 19	going back on the record at
18	-		
18 19	Q. Exhibit 40 shows, in	19	going back on the record at
18 19 20	Q. Exhibit 40 shows, in response to QS8 so everyone whose data	19 20	going back on the record at 3:40 p.m.
18 19 20 21	Q. Exhibit 40 shows, in response to QS8 so everyone whose data is recorded in Exhibit 40, by definition,	19 20 21	going back on the record at 3:40 p.m. BY MS. WOOD:
18 19 20 21 22	Q. Exhibit 40 shows, in response to QS8 so everyone whose data is recorded in Exhibit 40, by definition, made it through QS7, right?	19 20 21 22	going back on the record at 3:40 p.m. BY MS. WOOD: Q. Mr. Simonson, how many times

CANNTED STATES 10/18 AMERICA A Document 1096-2 Filed 08/01/24 Page 17 of tamap Signons of n. Ph.D. GOOGLE, LLC Highly Confidential February 28, 2024 Page 286 Page 288 1 sponsor at the conclusion of the survey? 1 participants that the sponsor of the 2 In litigation -- in academic 2 survey is involved in litigation and 3 research it's done frequently. 3 described the nature of that litigation 4 4 referred to as debriefing. Not -- not so to the survey participants at the 5 5 much about -- I mean, they know who the conclusion? 6 sponsor is, presumably the university, 6 Α. I don't recall doing that, 7 7 but the purpose of the study is described even though I would not have had any 8 during the debriefing process. So that's 8 concern, in other cases, doing it, 9 very common in academic research. 9 because I know the questions have already 10 In litigation, based on my 10 been answered and cannot be changed. So 11 experience, it's -- it's uncommon. 11 it couldn't make any difference. 12 Have you ever done it before 12 And how many times in prior 13 this case? 13 surveys you've conducted have you offered 14 Α. I do not recall. 14 the respondent an option to opt out of 15 Ο. You don't recall ever doing 15 the survey results once they were 16 it before this case? 16 informed about the survey sponsor and 17 I do not. 17 purpose? Α. 18 And how many times in your 18 I don't recall. 19 prior surveys have you told participants 19 You don't recall ever doing Ο. 20 at the end that the purpose of the survey 20 that? 21 was in connection with the litigation? 21 Α. I don't recall doing that. 22 22 I'm trying to think. It might have Not in the same manner, I've 23 There are a number of cases where I happened, something somewhat similar. 23 24 wanted to find out at the conclusion of But, you know, nothing comes to mind

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1 right now.

1 the survey whether they're aware of any 2 litigation in a related matter.

3 For -- just to give you an 4 example. I was involved in a case in

which the maker of sugar accused the maker of Splenda that -- that Splenda

7 actually has zero sugar in it, which it

8 does. I mean, it's completely

artificial, and it was very much on the 9

10 news. And I wanted to know, given it was on, you know, national TV, I was curious

11 12 to find out if respondents heard about

13

14 Same thing. I was involved

15 in a case pertaining to the Volkswagon

16 diesel matter, also has received

17 attention. So I was asking, have you

18 heard about any litigation in the general

19 area

5

6

20 So I've done that, but

21 that's, obviously, different than -- than 22 what was done here.

23 How many times have you done Ο.

what was done here, disclosed to the

4

13

14

15

16

17

18

19

20

21

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23

24

2 Ο. What are you thinking of 3 that might have been similar?

I'm trying to think whether 5 it came up, let's say, in academic 6 studies, where I would say, well, this 7 study is about X. You know, if you wish,

8 you -- you don't have to be included. 9

Even though all the data are

10 confidential, but -- so it might have 11 happened. No specific study comes to

12 mind right now.

> Ο. So you can't think of any instance here, other than in this case, where, at the conclusion of the survey, you offered the respondents an option to opt out once the respondent knows the survey-sponsored purpose?

> > Α. Right.

Why did you do that here? MS. DEARBORN: Please exclude from your answer any discussions with counsel.

THE WITNESS: So I was -- I

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	, 09001		
	Page 290		Page 292
1	can say that I was I was	1	Q or is that a decision you
2	advised by counsel.	2	made?
3	MS. DEARBORN: Right.	3	MS. DEARBORN: I apologize.
4	BY MS. WOOD:	4	You can answer that
5	Q. So it was not your decision?	5	question yes or no.
6	A. It was not my decision. But	6	THE WITNESS: What?
7	had I thought that that could change	7	MS. DEARBORN: You can
8	change the results or impact the	8	answer the question yes or no.
9	conclusions in any way, I would say no.	9	THE WITNESS: Let's read
10	I wouldn't do it.	10	the question again.
11	For example, had I been told	11	BY MS. WOOD:
12	that you have to say to provide this	12	Q. Sure.
13	information upfront, I may very well have	13	You indicated that counsel
14	said, in the context of this survey, that	14	advised you to make the disclosure. My
15	I think that's problematic.	15	question is a little bit different.
16	Q. And why would that be	16	Did counsel also advise you
17	problematic?	17	to offer the respondents an option to
18	A. You know, I should say, in	18	exclude their answers from the survey or
19	general, it could be problematic.	19	was that a decision you made?
20	Especially in surveys in which the	20	A. A little harder it's
21	subject involves evaluations pertaining	21	possible I don't recall. It's
22	to the sponsor of the survey.	22	possible that counsel suggested that.
23	So, for example, if I'm	23	I also think that, given
24	doing a customer satisfaction survey, and	24	that I just told them the purpose of the
	Page 291		Page 293
1	•	1	-
1 2	I'm telling that this survey is being	1 2	Page 293 survey and its sponsor, it would be fair to offer them that option.
	•		survey and its sponsor, it would be fair
2	I'm telling that this survey is being conducted on behalf of Company X, and	2	survey and its sponsor, it would be fair to offer them that option.
2 3	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate	2	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel
2 3 4	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem.	2 3 4	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should
2 3 4 5	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't	2 3 4 5	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision.
2 3 4 5 6	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have	2 3 4 5 6	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision.
2 3 4 5 6 7	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do	2 3 4 5 6 7	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once
2 3 4 5 6 7 8	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company	2 3 4 5 6 7 8	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the
2 3 4 5 6 7 8	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on	2 3 4 5 6 7 8	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give
2 3 4 5 6 7 8 9	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the	2 3 4 5 6 7 8 9	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data?
2 3 4 5 6 7 8 9 10	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the survey. And given the nature of this	2 3 4 5 6 7 8 9 10	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data? A. Exactly. Exactly. Because
2 3 4 5 6 7 8 9 10 11	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the survey. And given the nature of this question, I don't think it would have	2 3 4 5 6 7 8 9 10 11	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data? A. Exactly. Exactly. Because if they said, you know give them the
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2 3 4 5 6 7 8 9 10 11 12 13	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the survey. And given the nature of this question, I don't think it would have been a problem. But just in general, I	2 3 4 5 6 7 8 9 10 11 12 13 14	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data? A. Exactly. Exactly. Because if they said, you know give them the option, if they don't want to be included, notwithstanding the fact that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the survey. And given the nature of this question, I don't think it would have been a problem. But just in general, I prefer not to provide that information upfront. Q. You indicated that counsel advised you to make the disclosure. Did	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data? A. Exactly. Exactly. Because if they said, you know give them the option, if they don't want to be included, notwithstanding the fact that the survey never asked them what they think about Google and so on. Q. Now, here, a significant percentage of the survey respondents were
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the survey. And given the nature of this question, I don't think it would have been a problem. But just in general, I prefer not to provide that information upfront. Q. You indicated that counsel advised you to make the disclosure. Did counsel also advise you to exclude the to offer the respondents the option to	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data? A. Exactly. Exactly. Because if they said, you know give them the option, if they don't want to be included, notwithstanding the fact that the survey never asked them what they think about Google and so on. Q. Now, here, a significant percentage of the survey respondents were excluded strike that. Here, a significant
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the survey. And given the nature of this question, I don't think it would have been a problem. But just in general, I prefer not to provide that information upfront. Q. You indicated that counsel advised you to make the disclosure. Did counsel also advise you to exclude the to offer the respondents the option to exclude their answers from the survey	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data? A. Exactly. Exactly. Because if they said, you know give them the option, if they don't want to be included, notwithstanding the fact that the survey never asked them what they think about Google and so on. Q. Now, here, a significant percentage of the survey respondents were excluded strike that. Here, a significant percentage of the survey responses
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	I'm telling that this survey is being conducted on behalf of Company X, and then I'm asking them to evaluate Company X, that could be a problem. So in this survey, I don't think I don't think that it would have been a problem, because the questions do not involve evaluations of the company and the subjects are not focused on Google, the sponsor of the of the survey. And given the nature of this question, I don't think it would have been a problem. But just in general, I prefer not to provide that information upfront. Q. You indicated that counsel advised you to make the disclosure. Did counsel also advise you to exclude the to offer the respondents the option to exclude their answers from the survey MS. DEARBORN: You can	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	survey and its sponsor, it would be fair to offer them that option. So whether or not counsel said that they thought that we should offer that option, I think I would have made the same decision. Q. The decision being to, once you've already told them about the sponsor and the purpose, to at least give them the option to exclude their data? A. Exactly. Exactly. Because if they said, you know give them the option, if they don't want to be included, notwithstanding the fact that the survey never asked them what they think about Google and so on. Q. Now, here, a significant percentage of the survey respondents were excluded strike that. Here, a significant percentage of the survey responses strike that again.

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	Page 294		Page 296
1	asked that their data be excluded, once	1	results. So I think that the
2	they learned that the survey was being	2	findings are unaffected by that.
3	conducted on Google's behalf for	3	Now, if someone wants to
4	litigation, correct?	4	call 16 to 24 percent significant
5	MS. DEARBORN: Objection to	5	or not, that's you know, I
6	form.	6	don't see the point of that.
7	THE WITNESS: I mean, I	7	BY MS. WOOD:
8	think it's I forget the	8	Q. My question to you was can
9	number. Between like 16 and 24.	9	you answer the question whether
10	Something in that range.	10	16 percent is significant or not?
11	BY MS. WOOD:	11	MS. DEARBORN: Form.
12	Q. And is that a significant	12	THE WITNESS: In my mind,
13	percentage?	13	in this particular case, it's not
14	MS. DEARBORN: Form.	14	significant, and I see no reason
15	THE WITNESS: I mean, I	15	whatsoever why 16 percent or
16	in this case, when, as a factual	16	24 percent in this context
17	matter, we know that it's between	17	affected the results and the key
18	16 percent and 24 percent, I see	18	conclusions.
19	no need to translate that to any	19	BY MS. WOOD:
20	descriptive word. Because we do	20	Q. What analysis did you do to
21	know, as a matter of fact, that	21	determine whether these voluntary
22	it is between 16 percent and	22	exclusions impacted the results of the
23	24 percent.	23	surveys?
24	BY MS. WOOD:	24	A. As I said, I looked at the
	21 1.6. 11002		iii iib i bara, i roomaa ao ara
	Page 295		Page 297
1	Page 295 Q. And so you can't answer	1	Page 297 remaining sample. I saw that it includes
1 2	•	1 2	~
	Q. And so you can't answer		remaining sample. I saw that it includes
2	Q. And so you can't answer whether 16 percent is significant or not?	2	remaining sample. I saw that it includes a very large number of the respondents in
2	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form.	2 3	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at
2 3 4	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said,	2 3 4	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare
2 3 4 5	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think	2 3 4 5	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million
2 3 4 5 6	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think other people that hear the word	2 3 4 5 6	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million and \$15 million, compare that to 15 to
2 3 4 5 6 7	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think other people that hear the word "significant," to translate that	2 3 4 5 6 7	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million and \$15 million, compare that to 15 to more than 15.
2 3 4 5 6 7 8	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think other people that hear the word "significant," to translate that to a particular percentage. They	2 3 4 5 6 7 8	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million and \$15 million, compare that to 15 to more than 15. Does that make a difference?
2 3 4 5 6 7 8 9	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think other people that hear the word "significant," to translate that to a particular percentage. They just don't do that. I've	2 3 4 5 6 7 8	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million and \$15 million, compare that to 15 to more than 15. Does that make a difference? It does not make a difference.
2 3 4 5 6 7 8 9	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think other people that hear the word "significant," to translate that to a particular percentage. They just don't do that. I've conducted thousands of studies,	2 3 4 5 6 7 8 9	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million and \$15 million, compare that to 15 to more than 15. Does that make a difference? It does not make a difference. You're doing the same thing
2 3 4 5 6 7 8 9 10	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think other people that hear the word "significant," to translate that to a particular percentage. They just don't do that. I've conducted thousands of studies, and they just wouldn't speculate	2 3 4 5 6 7 8 9 10	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million and \$15 million, compare that to 15 to more than 15. Does that make a difference? It does not make a difference. You're doing the same thing to subgroups in the low-spend
2 3 4 5 6 7 8 9 10 11	Q. And so you can't answer whether 16 percent is significant or not? MS. DEARBORN: Form. THE WITNESS: As I said, I I don't. And I don't think other people that hear the word "significant," to translate that to a particular percentage. They just don't do that. I've conducted thousands of studies, and they just wouldn't speculate about a specific percentage.	2 3 4 5 6 7 8 9 10 11	remaining sample. I saw that it includes a very large number of the respondents in the three groups. I looked at differences. Let's say you can compare those that spend between half a million and \$15 million, compare that to 15 to more than 15. Does that make a difference? It does not make a difference. You're doing the same thing to subgroups in the low-spend advertisers. You don't find differences.
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1	what you mean by mathematical	1	it doesn't exist, so I don't know more
2	what did you call it?	2	than that.
3	BY MS. WOOD:	3	Q. Well, it certainly existed
4	Q. Analysis.	4	at one time, correct?
5	A. Analysis.	5	MS. DEARBORN: Form.
6	What do you have in mind?	6	THE WITNESS: I assume so.
7	I'm not understanding your questions.	7	BY MS. WOOD:
8	Q. Did you look at the data	8	Q. And so what happened to it?
9	that was collected from the voluntarily	9	MS. DEARBORN: Form.
10	excluded participants and compare how	10	THE WITNESS: Well, as I
11	that data looked against the data from	11	said, AP might have had it. I
12	the survey participants whose data	12	don't know if they did. I assume
13	remained?	13	that it was on their server
14	A. Okay. Can you rephrase? I	14	somewhere.
15	don't think the question is meaningful.	15	BY MS. WOOD:
16	Obviously, those that were	16	Q. Did you instruct them to
17	excluded, I don't have their data.	17	preserve it?
18	But I'm looking at the data	18	MS. DEARBORN: Objection to
19	that I have. I see it's representative.	19	form.
20	There are no differences. I notice that	20	THE WITNESS: As I said,
21	the experts who prepare the rebuttal	21	they were not going to be used or
22	report, the only thing that he could say	22	looked at. They were assured of
23	is, well, it was a little higher in the	23	confidentiality, and they were
24	low-spend group than in the higher-spend	24	given the option to be excluded.
	Page 299		Page 301
1	group. That's it.		
		1	I think it's important, if
2	I didn't hear, nor can I	2	you tell them that, not to break
3	I didn't hear, nor can I think of, any scenario whereby the	2 3	you tell them that, not to break your violate your promise and
3 4	I didn't hear, nor can I think of, any scenario whereby the excluded would have affected the	2 3 4	you tell them that, not to break your violate your promise and start looking at the data,
3 4 5	I didn't hear, nor can I think of, any scenario whereby the excluded would have affected the conclusions of the survey.	2 3 4 5	you tell them that, not to break your violate your promise and start looking at the data, just even though you told them
3 4 5 6	I didn't hear, nor can I think of, any scenario whereby the excluded would have affected the conclusions of the survey. Again, as I said earlier,	2 3 4 5 6	you tell them that, not to break your violate your promise and start looking at the data, just even though you told them you would not do that. I think
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18 data had an impact on the overall 19 results, correct? 19 spreadsheet, correct? 20 MS. DEARBORN: Form. 21 THE WITNESS: As I said, if 22 you look at those, at the number 23 who were chose to be excluded, 24 was communicated in the form of an Exclusion 25 spreadsheet, correct? 26 MS. DEARBORN: Form. 27 What what data are you 28 referring to, Counsel? 29 MS. WOOD: The survey data	17	actually determine mathematically if the	17	Q. And, originally, the data
19 results, correct? 20 MS. DEARBORN: Form. 21 THE WITNESS: As I said, if 22 you look at those, at the number 23 who were chose to be excluded, 29 spreadsheet, correct? 20 MS. DEARBORN: Form. 21 What what data are you referring to, Counsel? 22 MS. WOOD: The survey data	18		18	was communicated in the form of an Excel
20 MS. DEARBORN: Form. 20 MS. DEARBORN: Form. 21 THE WITNESS: As I said, if 21 What what data are you 22 you look at those, at the number 22 referring to, Counsel? 23 who were chose to be excluded, 23 MS. WOOD: The survey data	19		19	spreadsheet, correct?
you look at those, at the number 22 referring to, Counsel? 23 who were chose to be excluded, 23 MS. WOOD: The survey date	20	MS. DEARBORN: Form.	20	
you look at those, at the number 22 referring to, Counsel? who were chose to be excluded, 23 MS. WOOD: The survey date	1		21	What what data are you
23 who were chose to be excluded, 23 MS. WOOD: The survey date	21	IIII WIINEDD I DAIA, II	I	
, I		·	22	referring to, Counsel?
•	22	you look at those, at the number		
	22 23	you look at those, at the number who were chose to be excluded,	23	MS. WOOD: The survey data.

	Page 306		Page 308
,	· ·	,	
1	BY MS. WOOD:	1	correct?
2	Q. And there was an Excel	2	A. Could you rephrase.
3	spreadsheet containing survey data for	3	Q. Do you recall looking at the
4	each of the three surveys, correct?	4	data for the excluded fast readers and
5	A. I believe so. Whether there	5	slowpokes and determining whether that
6	might have been some other more basic or	6	data was or was not consistent with the
7	primitive data that was collected that	7	data for the overall survey participants?
8	was not in Excel, I'm not sure.	8	A. Some of it I did, yes.
9	But the datasets that I saw	9	Q. And do you recall looking at
10	were all in in Excel.	10	data concerning respondents who had
11	Q. And if there was a	11	selected decoy options and comparing
12	difference in the results between the	12	whether that data was consistent or not?
13	included and the excluded respondents, an	13	A. Right.
14	analysis of the excluded responses would	14	Q. But you didn't do that with
15	show whether the survey was reliable,	15	respect to the percentages of excluded
16	correct?	16	voluntarily excluded data, correct?
17	MS. DEARBORN: Form.	17	MS. DEARBORN: Form.
18	THE WITNESS: Could you	18	THE WITNESS: I'm not I
19	read that question again.	19	have trouble making the
20	BY MS. WOOD:	20	connection between the two.
21	Q. Yeah.	21	Let's say that people who
22	If there was a difference	22	spend less time or too much time
23	between the results the survey results	23	on the questionnaire and let's
24	generated from the survey respondents and	24	say that we ignore them and then
		_	
	Page 307		Page 309
1	Page 307 the survey results generated from the	1	Page 309 we look at the results, I think
1 2		1 2	
	the survey results generated from the		we look at the results, I think
2	the survey results generated from the excluded respondents, that information	2	we look at the results, I think that makes sense.
2 3	the survey results generated from the excluded respondents, that information would assist the finder in fact in	2 3	we look at the results, I think that makes sense. What that has to do with
2 3 4	the survey results generated from the excluded respondents, that information would assist the finder in fact in determining whether the survey produced	2 3 4	we look at the results, I think that makes sense. What that has to do with separating those who chose to be
2 3 4 5	the survey results generated from the excluded respondents, that information would assist the finder in fact in determining whether the survey produced reliable results, correct?	2 3 4 5	we look at the results, I think that makes sense. What that has to do with separating those who chose to be excluded, about whom I have no
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2 3 4 5 6 7 8	the survey results generated from the excluded respondents, that information would assist the finder in fact in determining whether the survey produced reliable results, correct? MS. DEARBORN: Objection to form. THE WITNESS: Absolutely	2 3 4 5 6 7 8	we look at the results, I think that makes sense. What that has to do with separating those who chose to be excluded, about whom I have no information, and those who the great majority were included, that's completely different.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	the survey results generated from the excluded respondents, that information would assist the finder in fact in determining whether the survey produced reliable results, correct? MS. DEARBORN: Objection to form. THE WITNESS: Absolutely not. This imaginary scenario. I guess you're saying those who chose to be excluded, actually none of them would have diverted, none of them multi-home, none of them runs experiment, none of them uses agency. I think that's such a nonsensical scenario that I assume you didn't ask it seriously. BY MS. WOOD:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	we look at the results, I think that makes sense. What that has to do with separating those who chose to be excluded, about whom I have no information, and those who the great majority were included, that's completely different. BY MS. WOOD: Q. Did you consider the possibility that the respondents who chose to have their data excluded might vary from the other population because they are the respondents who worry about possible recriminations? MS. DEARBORN: Form. THE WITNESS: I thought about that and exclude and rejected that. Because, again and I think I already said that. You have to look at the

1 2 3 4	Page 310		Page 312
2 3	do you run experiments. If the	1	Obviously, the impact of violating
3	cost of something went up, would	2	double-blind may vary to some extent
	you switch to something else, and	3	across surveys. But I completely agree
	so on.	4	that, in general, double-blind is an
5	There's nothing in these	5	important principle.
6	questions that someone could say,	6	Q. And that principle is there
7	okay, well, this survey is	7	in order to ensure objectivity, correct?
8	sponsored by Google, and Google	8	A. In the case yeah, in many
9	probably wants me to say that I	9	cases, that's a key reason. Right.
10	use an ad agency; and, therefore,	10	Q. And, in fact, best practices
11	I'm not going to share	11	provide that the survey instrument itself
12	information because I already	12	provide no explicit or even implicit
13	said that I use an ad agency.	13	clues about the sponsorship, correct?
14	I mean, this story makes	14	MS. DEARBORN: Form.
15	absolutely no sense. And I have	15	THE WITNESS: I think there
16	yet to hear any explanation why	16	are many surveys where someone
17	such behavior would be observed.	17	could infer especially in
18	It just makes no sense.	18	litigation but also in
	BY MS. WOOD:	19	academia where someone may
20	Q. Would you agree with the	20	infer for example, if I show
	principle that a survey should avoid	21	you a toaster and it says Black &
	revealing the sponsor of the survey and	22	Decker and I ask you who made
	its purpose?	23	this product, I would assume that
24	A. At the beginning of the	24	many people would say it's
	Page 311		Page 313
1	survey, I agree. At the end it makes no	1	probably done for Black & Decker.
	difference.	2	1
	O Post at the and it wales a		Why are they showing me Black &
3	Q. But at the end it makes a	3	Why are they showing me Black & Decker toaster.
	difference if that data if the survey	3 4	
4	2.		Decker toaster.
4 5	difference if that data if the survey respondents are then given the	4	Decker toaster. So it's unavoidable, to
4 5	difference if that data if the survey	4 5	Decker toaster. So it's unavoidable, to some extent, in many surveys.
4 5 6	difference if that data if the survey respondents are then given the opportunity to remove the data, correct?	4 5 6	Decker toaster. So it's unavoidable, to some extent, in many surveys. But I completely agree that
4 5 6 7	difference if that data if the survey respondents are then given the opportunity to remove the data, correct? MS. DEARBORN: Form.	4 5 6 7	Decker toaster. So it's unavoidable, to some extent, in many surveys. But I completely agree that in general, double-blind is an
4 5 6 7 8	difference if that data if the survey respondents are then given the opportunity to remove the data, correct? MS. DEARBORN: Form. THE WITNESS: In many cases	4 5 6 7 8	Decker toaster. So it's unavoidable, to some extent, in many surveys. But I completely agree that in general, double-blind is an important principle that I've
4 5 6 7 8 9	difference if that data if the survey respondents are then given the opportunity to remove the data, correct? MS. DEARBORN: Form. THE WITNESS: In many cases it would not.	4 5 6 7 8 9	Decker toaster. So it's unavoidable, to some extent, in many surveys. But I completely agree that in general, double-blind is an important principle that I've tried to follow. Certainly
4 5 6 7 8 9	difference if that data if the survey respondents are then given the opportunity to remove the data, correct? MS. DEARBORN: Form. THE WITNESS: In many cases it would not. In this case, for example,	4 5 6 7 8 9	Decker toaster. So it's unavoidable, to some extent, in many surveys. But I completely agree that in general, double-blind is an important principle that I've tried to follow. Certainly not I try not to reveal the
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1	D 044		D 040
1	Page 314		Page 316
	form.	1	BY MS. WOOD:
2	THE WITNESS: Double	2	Q. But I'm asking from your
3	double-blind protocol was used.	3	perspective, putting aside what you were
4	I'm not sure where you got the	4	told by counsel, from your perspective,
5	idea that it's not.	5	the circumstances of this case require
6	I said at the very end.	6	disclosure.
7	You said through the end.	7	MS. DEARBORN: Form.
8	What matters is what	8	THE WITNESS: Again, that
9	respondents know while they	9	was primarily based on whatever
10	answer the survey questions,	10	counsel considered and the basis
11	based on which conclusions are	11	for reaching that conclusion.
12	reached.	12	BY MS. WOOD:
13	Whether at the very end,	13	Q. And you have testified in
14	last screen, someone said well,	14	other matters that knowing the identity
15	this survey is done on behalf of	15	of the survey sponsor can change the
16	X, that makes no difference.	16	answers, correct?
17	BY MS. WOOD:	17	MS. DEARBORN: Form.
18	Q. Well, it made an actual	18	THE WITNESS: I don't
19	literal difference, because 16 to	19	recall specific. But it sounds
20	24 percent of the respondents' answers	20	like something I would say. That
21	were excluded based on that difference,	21	definitely I try to keep
22	correct?	22	maintain a double-blind standard
23	MS. DEARBORN: Form.	23	while respondents answer the
24	THE WITNESS: But that's	24	survey questions.
	Page 315		Page 317
1	that's a whole different issue.	1	BY MS. WOOD:
2	And we already talked about that	2	Q. In fact, do you recall
3	as well.	3	testifying in other matters that "the
4	But in any case, what's	4	principle that a survey should avoid
5	important is what respondents	5	revealing the sponsor of the survey and
_			Teveating the sponsor of the survey and
6	know while they answer the survey	6	
6	know while they answer the survey	6	its purpose is not in dispute among
7	questions.	7	its purpose is not in dispute among professional survey takers"?
7 8	questions. In this case, none of the	7 8	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to
7 8 9	questions. In this case, none of the respondents knew the sponsor or	7 8 9	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form.
7 8 9 10	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while	7 8 9 10	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That
7 8 9 10 11	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions.	7 8 9 10 11	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay.
7 8 9 10 11 12	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD:	7 8 9 10 11 12	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I
7 8 9 10 11 12 13	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this	7 8 9 10 11 12 13	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it
7 8 9 10 11 12 13 14	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this case required, from your perspective,	7 8 9 10 11 12 13	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it sounds like something I would
7 8 9 10 11 12 13 14	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this case required, from your perspective, disclosure of the survey sponsor to	7 8 9 10 11 12 13 14	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it sounds like something I would say.
7 8 9 10 11 12 13 14	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this case required, from your perspective,	7 8 9 10 11 12 13	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it sounds like something I would
7 8 9 10 11 12 13 14	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this case required, from your perspective, disclosure of the survey sponsor to	7 8 9 10 11 12 13 14	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it sounds like something I would say.
7 8 9 10 11 12 13 14 15	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this case required, from your perspective, disclosure of the survey sponsor to survey participants?	7 8 9 10 11 12 13 14 15	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it sounds like something I would say. BY MS. WOOD:
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7 8 9 10 11 12 13 14 15 16 17 18	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this case required, from your perspective, disclosure of the survey sponsor to survey participants? MS. DEARBORN: Objection to form. And please exclude from	7 8 9 10 11 12 13 14 15 16 17 18	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it sounds like something I would say. BY MS. WOOD: Q. And, in fact, in your report, you write that information about the survey purpose and the sponsor "was
7 8 9 10 11 12 13 14 15 16 17 18 19 20	questions. In this case, none of the respondents knew the sponsor or purpose of the survey while answering the questions. BY MS. WOOD: Q. What circumstances in this case required, from your perspective, disclosure of the survey sponsor to survey participants? MS. DEARBORN: Objection to form. And please exclude from your answer conversations with	7 8 9 10 11 12 13 14 15 16 17 18 19 20	its purpose is not in dispute among professional survey takers"? MS. DEARBORN: Objection to form. THE WITNESS: That survey takers. Okay. Yeah, it's again, I don't recall saying it, but it sounds like something I would say. BY MS. WOOD: Q. And, in fact, in your report, you write that information about the survey purpose and the sponsor "was included at the end of the survey to
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1 2			1 00.44.17 20, 202
	Page 318		Page 320
2.	expected or preferred."	1	varies the significance of that varies
	Is that right?	2	across studies.
3	A. That's what I wrote. Yeah,	3	But in some surveys, I give
4	that sounds like what I just said here.	4	the example of a customer satisfaction
5	Q. And you also referred in	5	survey. It could have a significant
6	your report to focalism.	6	impact because respondents may wish to
7	Do you recall that?	7	please the sponsor of the survey.
8	A. It sounds like something I	8	Q. In your report, you write,
9	would say, depending on each case.	9	"One would be hard-pressed to come up
10	Q. And what is focalism?	10	with a scenario whereby those respondents
11	A. There are many examples.	11	who used fewer advertising buying tools
12	For example, if you ask	12	would be systematically more likely to
13	people to think about the consequences of	13	indicate that they prefer not to be
14	a particular event, let's say you move	14	included in the sample."
15	from, maybe, D.C. D.C., the weather is	15	Do you recall that?
16	not so bad. But maybe moving from	16	A. Yeah. That sounds like
17	Minneapolis to Santa Monica or	17	something I would say.
18	Burlingame, people may overfocus on the	18	Q. Okay. Did you consider the
19	weather, not recognizing there are	19	scenario in which a customer of Google
20	very many happy people in Minneapolis,	20	uses only one ad buying tool, which is
21	the weather notwithstanding.	21	Google's ad buying tool, and that in that
22	So in other words, people	22	scenario, that customer might be
23	sometimes focus on something too much	23	reluctant to say something that might
24	and, thereby, overestimate its impact in	24	upset Google?
	and, energy, overesemmete res impact in		apper doogie.
	Page 319		Page 321
1	cases involving patterns.	_	
· ·		1	MS. DEARBORN: Form.
2		2	MS. DEARBORN: Form. THE WITNESS: So what's the
	Sometimes survey experts,		
2		2	THE WITNESS: So what's the
2 3	Sometimes survey experts, particularly on behalf of plaintiffs, use a technique called conjoint analysis.	2 3	THE WITNESS: So what's the question? What do I think about
2 3 4	Sometimes survey experts, particularly on behalf of plaintiffs, use a technique called conjoint analysis. And let's say that it's a	2 3 4	THE WITNESS: So what's the question? What do I think about it? BY MS. WOOD:
2 3 4 5	Sometimes survey experts, particularly on behalf of plaintiffs, use a technique called conjoint analysis. And let's say that it's a smartphone, and they present a few	2 3 4 5	THE WITNESS: So what's the question? What do I think about it? BY MS. WOOD: Q. Did you consider the
2 3 4 5 6 7	Sometimes survey experts, particularly on behalf of plaintiffs, use a technique called conjoint analysis. And let's say that it's a smartphone, and they present a few features that are important, battery	2 3 4 5 6	THE WITNESS: So what's the question? What do I think about it? BY MS. WOOD: Q. Did you consider the scenario you had said in your report
2 3 4 5 6 7 8	Sometimes survey experts, particularly on behalf of plaintiffs, use a technique called conjoint analysis. And let's say that it's a smartphone, and they present a few features that are important, battery life, brand name, screen size, important	2 3 4 5 6 7	THE WITNESS: So what's the question? What do I think about it? BY MS. WOOD: Q. Did you consider the scenario you had said in your report that you would be hard-pressed to come up
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		Jilliue	<u> </u>
	Page 330		Page 332
1	That just calls for an	1	answering the question.
2	extra step. It's like, okay,	2	BY MS. WOOD:
3	it's small, but it's something	3	Q. But if I come up with a
4	that I would consider. It's	4	number that's small but significant to
5	significant enough. And they	5	me, that doesn't mean that same number
6	will decide accordingly.	6	would be small but significant to you,
7	They will not go an extra	7	correct?
8	step, convert it to a specific	8	A. I thought I just answered
9	quantity, and then say, okay,	9	that.
10	based on my speculation, my	10	No, you will not come up,
11	answer is X. That's not what	11	if I mean, obviously, you're involved
12	survey respondents do.	12	in this case, so you're not the typical
13	BY MS. WOOD:	13	respondent.
14	Q. Okay. I'm now me, Julia	14	But speaking of typical
15	Wood, sitting here, and I'm thinking of a	15	respondents, they would not start
16	number that to me is small but	16	speculating about a specific number. So,
17	significant.	17	therefore, it's not like one respondent
18	A. So what what's the	18	thinks about Number X and the other one
19	question?	19	thinks about Number Y. What basis do
20	Q. What's my number?	20	they have to for such speculations?
21	MS. DEARBORN: Objection to	21	Q. Regardless of the nature of
22	form.	22	the speculation, it is possible strike
23	THE WITNESS: Is that a	23	that.
24	real	24	You say in your report at
	Page 331		Dogo 222
	1 age 551		Page 333
1	BY MS. WOOD:	1	Footnote 5, on Page 7, "This phrase,"
1 2	•	1 2	· · · · · · · · · · · · · · · · · · ·
	BY MS. WOOD:		Footnote 5, on Page 7, "This phrase,"
2	BY MS. WOOD: Q. No, that's a real question.	2	Footnote 5, on Page 7, "This phrase," small but significant, "was designed to
2 3	BY MS. WOOD: Q. No, that's a real question. I'm thinking of a number that's small but	2 3	Footnote 5, on Page 7, "This phrase," small but significant, "was designed to leave it to the respondents to consider
2 3 4	BY MS. WOOD: Q. No, that's a real question. I'm thinking of a number that's small but significant. What's my number?	2 3 4	Footnote 5, on Page 7, "This phrase," small but significant, "was designed to leave it to the respondents to consider their reaction, if any, if (what they
2 3 4 5	BY MS. WOOD: Q. No, that's a real question. I'm thinking of a number that's small but significant. What's my number? A. It reminds me of games I'm	2 3 4 5	Footnote 5, on Page 7, "This phrase," small but significant, "was designed to leave it to the respondents to consider their reaction, if any, if (what they considered to be) 'a small but
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MS. WOOD: Q. No, that's a real question. I'm thinking of a number that's small but significant. What's my number? A. It reminds me of games I'm playing with my grandkids. Q. Good. Then you're experienced at it. What's my number? MS. DEARBORN: Okay. Objection to form. THE WITNESS: I'm not sure if you're I assume that you're not asking that seriously. But as I said, I will I would not think of a number that you're thinking about, nor will I come up with a number. It would be sheer speculation. Therefore, I will not engage in that. You told me it's small but significant, and that's all the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Footnote 5, on Page 7, "This phrase," small but significant, "was designed to leave it to the respondents to consider their reaction, if any, if (what they considered to be) 'a small but significant' increase in the cost of programatic display advertising occurred." Right? A. Right. Q. And then you say in Footnote 65 of your report, on Page 39, that "The balanced phrasing of 'small but significant' avoids possible demand effects whereby respondents might have assumed that certain answers were expected or preferred." Can you describe how "small but significant" is balanced phrasing, in your view? A. Okay. Small is usually contrasted with big, and significant is

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	Page 334		Page 336
1	small, and the other one goes in the	1	considered small but significant to be
2	other direction. I think it's a balanced	2	balanced because small tends in one
3	term that begins with "small" and then	3	direction, and significant, in your view,
4	goes to "significant."	4	tends in a different direction.
5	And then respondents have	5	What about when you couple
6	that term and they can answer the	6	those two terms with the phrase "for the
7	question.	7	foreseeable future"?
8	Q. And when hearing that	8	A. What what is that
9	phrase, is it your position that no	9	MS. DEARBORN: Form.
10	respondent will ever attempt to quantify	10	THE WITNESS: I'm not sure
11	a number associated with "small but	11	I follow the question.
12	significant"?	12	BY MS. WOOD:
13	A. I don't know what you mean	13	Q. Which direction does
14	by "no respondent." I don't I tend	14	which direction does "for the foreseeable
15	not to talk in such terms.	15	future" take the otherwise balanced
16	I don't know, maybe one in a	16	phrase "small but significant"?
17	million would. I'm not going to	17	MS. DEARBORN: Form.
18	speculate about that.	18	THE WITNESS: I see no
19	I'm saying, you have to rely	19	basis for believing that "for the
20	on your survey practice, having conducted	20	foreseeable future" has any
21	thousands of surveys. And there is a	21	impact whatsoever.
22	literature on the manner in which	22	BY MS. WOOD:
23	respondents answer questions.	23	Q. "For the foreseeable future"
24	And in this case, it's	24	is a subjective term, correct?
	Page 335		Page 337
1	important to keep in mind "small but	1	MS. DEARBORN: Form.
2	significant." No respondents has any	2	THE WITNESS: Actually, I
3	basis for speculating that it means	3	don't I don't know if it's
4	Number X. There is no basis for such	4	subjective. I haven't thought
5			
	speculation, and they would not do that.	5	about it as subjective or
6	They were asked about small	6	about it as subjective or objective.
7	They were asked about small but significant. That's how they think	6 7	about it as subjective or objective. I think that the meaning is
7 8	They were asked about small but significant. That's how they think about it.	6 7 8	about it as subjective or objective.
7 8 9	They were asked about small but significant. That's how they think about it. Q. And during the pretests,	6 7	about it as subjective or objective. I think that the meaning is that in the future that you can see.
7 8 9 10	They were asked about small but significant. That's how they think about it. Q. And during the pretests, that was the first time that the phrase	6 7 8 9	about it as subjective or objective. I think that the meaning is that in the future that you can see. BY MS. WOOD:
7 8 9 10 11	They were asked about small but significant. That's how they think about it. Q. And during the pretests, that was the first time that the phrase was used, correct? The phrase was not	6 7 8 9 10 11	about it as subjective or objective. I think that the meaning is that in the future that you can see. BY MS. WOOD: Q. In any of the either
7 8 9 10 11 12	They were asked about small but significant. That's how they think about it. Q. And during the pretests, that was the first time that the phrase was used, correct? The phrase was not used in the preliminary interviews,	6 7 8 9 10 11 12	about it as subjective or objective. I think that the meaning is that in the future that you can see. BY MS. WOOD: Q. In any of the either preliminary interviews or pretests, did
7 8 9 10 11 12 13	They were asked about small but significant. That's how they think about it. Q. And during the pretests, that was the first time that the phrase was used, correct? The phrase was not used in the preliminary interviews, right?	6 7 8 9 10 11 12 13	about it as subjective or objective. I think that the meaning is that in the future that you can see. BY MS. WOOD: Q. In any of the either preliminary interviews or pretests, did anyone ask the preliminary interview
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7 8 9 10 11 12 13 14 15	They were asked about small but significant. That's how they think about it. Q. And during the pretests, that was the first time that the phrase was used, correct? The phrase was not used in the preliminary interviews, right? A. That's right. Q. And you don't have any records indicating how pretest	6 7 8 9 10 11 12 13 14 15	about it as subjective or objective. I think that the meaning is that in the future that you can see. BY MS. WOOD: Q. In any of the either preliminary interviews or pretests, did anyone ask the preliminary interview respondents or the pretest respondents whether they considered 5 percent to be small but significant?
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	They were asked about small but significant. That's how they think about it. Q. And during the pretests, that was the first time that the phrase was used, correct? The phrase was not used in the preliminary interviews, right? A. That's right. Q. And you don't have any records indicating how pretest participants viewed or interpreted the phrase "small but significant," correct? MS. DEARBORN: Form. THE WITNESS: I didn't ask them about the meaning of this	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	about it as subjective or objective. I think that the meaning is that in the future that you can see. BY MS. WOOD: Q. In any of the either preliminary interviews or pretests, did anyone ask the preliminary interview respondents or the pretest respondents whether they considered 5 percent to be small but significant? A. No. Q. Did anyone ask any of the preliminary interview respondents or pretest respondents or pretest respondents whether 10 percent is small but significant?
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	Page 338		Page 340
1	different meanings to "for the	1	THE WITNESS: As a generic
2	foreseeable future"?	2	question, can it happen? Yeah.
3	A. I don't see why that would	3	It could happen in some cases.
4	be. "For the foreseeable future," that	4	BY MS. WOOD:
5	seems like a commonly used English term.	5	Q. So the foreseeable future to
6	It's the future that you can see. Let's	6	me might mean 50 years. The foreseeable
7	say it's the next year or whatever it is.	7	to you might mean a year, right?
8	Q. Well, what is it? Is it the	8	A. As I said, neither one of us
9	next year or is it the next 50 years?	9	will try to translate that to number of
10	A. No, I don't think I	10	days, a number of months or number of
11	wouldn't attach it to a particular	11	years.
12	period. Probably not 50 years.	12	Q. Why do you think neither one
13	But in the future that you	13	of us will try how do you know how I'm
14	can make projections, that you can	14	going to interpret foreseeable future and
15	predict.	15	whether I would translate that into a
16	O. And what about "remain	16	specific time period or not?
17	elevated," that is also a subjective	17	A. I think the only thing it
18	term, right? "Elevated"?	18	tells you is it is not going to go in
19	A. No. "Remain elevated"? In	19	the foreseeable future, it's it's
20	what way is it subjective?	20	staying elevated by 5 percent. That's
21	Q. What does elevation mean?	21	all it says.
22	A. Remain elevated. Increase	22	In other words
23	by 5 percent and it stays there.	23	Q. But I don't know how long
24	Q. Okay. And if it's remaining	24	foreseeable future is.
	Page 339		Page 341
1	elevated for the foreseeable future, does	1	MS. DEARBORN: Objection to
2	that mean that it's remaining elevated	2	form.
3	for one year or 50 years?	3	THE WITNESS: Now, but I'm
4	MS. DEARBORN: Form.	4	asking you now, will you make a
5	THE WITNESS: I said,	5	decision. And if you say, okay,
6	again, respondents would not	6	it's not something that will
7	attach the number of days to this	7	disappear in the next few days.
8	term. It's a term commonly used	8	In the foreseeable future it will
9	in English, I believe. The	9	remain at that elevated level.
10	future that you can see.	10	BY MS. WOOD:
11	BY MS. WOOD:	11	Q. But my view of what
12	Q. A lot of the terms are	12	constitutes the foreseeable future might
13	commonly used in English on which the	13	change my answer to that question.
14	speakers and the hearers of those terms	14	Maybe I do contracts every
15	don't agree, correct?	15	six months. Maybe I do contracts every
16	A. What are you talking about,	16	five years. Maybe, for me, foreseeable
17	specifically?	17	future is two weeks. Maybe for my
18	Q. Just in general, there are	18	colleague, foreseeable future is a
19	plenty of subjective terminology that's	19	ten-year contract.
20	used in the English language about which	20	You have no way of
21	a speaker and a hearer might have	21	determining for any given respondent what
22	different interpretations, correct?	22	frame of reference they had in mind when
1 -		1	
23	MS. DEARBORN: Objection to	23	they answered the question for the
	MS. DEARBORN: Objection to form.	23 24	foreseeable future, correct?

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1	whether you think that you're very likely	1	change but keep the same, their level of
2	to watch the movie Oppenheimer.	2	display spend, would be inconsistent,
3	In other words, there is	3	correct?
4	logical order to questions, and it would	4	MS. DEARBORN: Form.
5	make no sense to use any other order.	5	THE WITNESS: I mean,
6	Q. That doesn't take away from	6	obviously, there are a number of
7	the fact that the question order effect	7	advertising options.
8	will impact answers to subsequent	8	So they could very well
		9	
9	questions, given how they've answered		say, I'm going to increase X and
10	previous questions, correct?	10	keep the same, something else.
11	A. That's incorrect. That's	11	Quite possible.
12	incorrect. I'm happy to explain why, but	12	BY MS. WOOD:
13	it's completely incorrect in this case.	13	Q. Now, in your Question 5 to
14	Q. If you've already indicated	14	the higher-spend advertisers and
15	that you would divert in response to an	15	Question 4 to the agency participants,
16	increase in cost, it would be	16	you asked about the cost of programatic
17	inconsistent for a respondent to then be	17	display advertising; is that right?
18	inclined to answer that they would keep	18	A. You mean in this question
19	the same amount of display spend if	19	about diversion?
20	they've already indicated they would	20	Q. Yes.
21	change their display spend.	21	A. Yes.
22	Do you agree with that?	22	Q. And for the lower-spend
23	MS. DEARBORN: Form.	23	advertisers, you changed, instead of cost
24	THE WITNESS: Are you	24	of programatic display advertising, you
	Page 351		Page 353
1	I'm not sure I follow the	1	changed it to cost of display
2	question.	2	advertising, right?
3	-		_
	So when you say would you	3	
4	divert to other types of digital	4 5	Q. Okay. Now, you understand
5	advertising?		that the cost of display advertising
6	BY MS. WOOD:	6	includes, as one component, the cost
7	Q. Correct.	7	associated with the AdTech tools used to
8	A. So from display to something	8	purchase display ads, right?
9	else?	9	A. That's my understanding. I
10	Q. Correct.	10	mean, it was not yeah, it was not
11	A. Okay. I thought you asked	11	something that I was trying to explore in
12	it would make no sense for you to	12	the survey. I just wanted to find out
13	increase display.	13	whether an increase in the cost of, let's
14	But in any case, of course.	14	say, programatic display advertising will
15	You just told me that you, as a result of	15	cause respondents to divert to other
16	the price increase, you would divert. So	16	forms of digital advertising, but
117			
17	now I'm asking you, what would you divert	17	Q. But you
18	now I'm asking you, what would you divert to.	17 18	A. Yes. Go ahead.
	now I'm asking you, what would you divert		
18	now I'm asking you, what would you divert to.	18	A. Yes. Go ahead.
18 19	now I'm asking you, what would you divert to. You just there was no	18 19	A. Yes. Go ahead. Q. Well, no. Are you done with
18 19 20	now I'm asking you, what would you divert to. You just there was no order effect in this case. You just told	18 19 20	A. Yes. Go ahead. Q. Well, no. Are you done with your answer?
18 19 20 21	now I'm asking you, what would you divert to. You just there was no order effect in this case. You just told me that you would you will divert. Q. And for those respondents who already said they will divert, to	18 19 20 21	A. Yes. Go ahead. Q. Well, no. Are you done with your answer? A. I think so. Q. But you chose not to ask the survey participants how they would react
18 19 20 21 22	now I'm asking you, what would you divert to. You just there was no order effect in this case. You just told me that you would you will divert. Q. And for those respondents	18 19 20 21 22	A. Yes. Go ahead. Q. Well, no. Are you done with your answer? A. I think so. Q. But you chose not to ask the

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1	the cost associated with AdTech tools as	1	MS. DEARBORN: Objection to
2	opposed to AdTech ads over as	2	form.
3	opposed let me try that again.	3	THE WITNESS: No. No. No.
4	You chose not to ask the	4	I'm trying to I like
5	survey participants how they would react	5	variety no. I'm just kidding.
6	to a small but significant increase in	6	I meant to say "small but
7	the cost of AdTech tools for programatic	7	significant."
8	display advertising, correct?	8	BY MS. WOOD:
9	A. I was trying not to make the	9	Q. Okay. And to you, does
10	survey confusing. I the survey asked	10	small and significant but significant
11	the questions that it asked. I think the	11	mean 5 percent?
12	right questions, properly phrased.	12	MS. DEARBORN: Form.
13	I asked if the cost of,	13	THE WITNESS: No.
14	let's say, programatic display goes up by	14	BY MS. WOOD:
15	5 percent, as a general category,	15	Q. You just thought of that
16	programatic cost of programatic	16	number randomly?
17	display goes up by 5 percent. That's it.	17	MS. DEARBORN: Form.
18	I was not did not intend,	18	THE WITNESS: I said
19	nor was it an objective of the survey, to	19	5 percent. I'm sure we all
20	look at components of cost and so on.	20	sometimes use the wrong words.
21	Q. But you didn't ask	21	I in fact, I just read it,
22	whether in the survey, whether	22	small but significant, yeah.
23	programatic display costs would go up by	23	BY MS. WOOD:
24	5 percent, correct?	24	Q. Okay. Why is there a link
<u> </u>			
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1	A. I did not or I did?	1	in your mind between 5 percent and small
2	Q. You did not.	2	but significant?
3	A. Let's read the questions.	3	MS. DEARBORN: Objection to
4	"Now suppose that, based on	4	form. Argumentive. Assumes
5	your analysis, the cost of programatic	5	facts.
6	display advertising has recently	6	THE WITNESS: The reason I
7	increased by a small but significant	7	make in my mind, I used the wrong
8	amount," et cetera.	8	word.
9	So maybe I'm miss	9	BY MS. WOOD:
10	misunderstanding your question.	10	Q. Now, you understand that if
11	I did ask that, right?	11	the cost of the AdTech tools is just one
12	Q. You asked that, but you	12	component of the cost of display ads,
13	didn't ask whether the cost of	13	generally, then asking about a small but
14	programatic display would go up by	14	significant increase in the cost of
15	5 percent, correct?	15	display advertising overall, as opposed
16	A. Right. Oh, yeah, that's	16	to a small but significant increase in
17	right.	17	the cost of certain AdTech tools, you are
	-		
18	Q. Okay. And	18	actually increasing the cost that the
18 19	A. Yeah. Correction. Yeah, I	19	survey respondents are reacting to,
18 19 20	A. Yeah. Correction. Yeah, I just I asked I guess we talked so	19 20	survey respondents are reacting to, right?
18 19 20 21	A. Yeah. Correction. Yeah, I just I asked I guess we talked so much about small but significant that I	19 20 21	survey respondents are reacting to, right? MS. DEARBORN: Form.
18 19 20 21 22	A. Yeah. Correction. Yeah, I just I asked I guess we talked so much about small but significant that I was trying to	19 20 21 22	survey respondents are reacting to, right? MS. DEARBORN: Form. THE WITNESS: I'm not sure
18 19 20 21	A. Yeah. Correction. Yeah, I just I asked I guess we talked so much about small but significant that I	19 20 21	survey respondents are reacting to, right? MS. DEARBORN: Form.

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1	Q. Let's say, hypothetically,	1	have the data about the extent of
2	that AdTech tools are represent	2	diversion. And if most
3	30 percent of the cost of a display ad.	3	respondents say that it's between
4	A. Okay.	4	7 and 10, it means that maybe if
5	Q. And if you tell respondents	5	it was lower than that, maybe the
6	that the cost of display ads goes up by a	6	scale numbers would range
7	small but significant amount, but you	7	between I don't want to
8	don't tell them that the 30 percent cost	8	speculate.
9	of the AdTech tool goes up by a small but	9	Maybe they would have been
10	significant amount, you are necessarily	10	somewhat lower, but there still
11	causing the respondent to imagine a	11	would be substitution observed.
12	higher increase in cost than if you had	12	BY MS. WOOD:
13	them focus on the cost of the tool alone.	13	Q. And by focusing on a higher
14	MS. DEARBORN: Objection to	14	cost than the cost of the AdTech tools
15	form.	15	alone, that has the potential to create
16	BY MS. WOOD:	16	demand effect, does it not?
17	Q. Do you understand that?	17	A. Not at all. It has nothing
18	A. I understand the question.	18	to do with demand effect.
19	Two things. A, the survey	19	Q. If you were retained in a
20	tested what happens if they are told that	20	case where the plaintiffs sued Ford for
21	the cost of display advertising, or	21	monopolizing the market for truck
22	programatic display advertising, went up	22	chassises, would you ask participants
23	by a small but significant amount.	23	about a potential increase in the price
24	That's what I tested. It is what it is.	24	of Ford trucks overall, or a potential
	Page 359		Page 361
1	Furthermore, as you know, I	1	increase in the price of the truck
2	asked, later, the question about the	2	chassises?
3	magnitudes of diversion to each one, on a	3	MS. DEARBORN: Form.
4	0 to 10 scale, and the most common	4	THE WITNESS: Yeah, I take
5	answers were between 7 and 10, which	5	survey design very seriously.
6	means that respondents are thinking about	6	And if I were asked to conduct a
7	substantial increases.	7	survey on this topic, I would
8	So in case, let's say, it	8	think about it and figure out
9	was the actual increase was somewhat	9	what's the right way to do.
10	lower, maybe the scale numbers would have	10	Sitting here now, I cannot
11	been somewhat lower than between 7 and	11	design the right survey and,
12	10. But there would still be diversion,	12	therefore, cannot answer this
13	which is what my survey tested and	13	question.
14	showed.	14	BY MS. WOOD:
15	Q. But you agree that if your	15	O. But isn't the relevant
			~
16		16	question whether the monopolized product
16 17	survey had asked about a fraction of the	16 17	question whether the monopolized product price changes, not whether some larger
	survey had asked about a fraction of the costs of display advertising increasing		question whether the monopolized product price changes, not whether some larger price changes?
17	survey had asked about a fraction of the costs of display advertising increasing and not all of the display advertising	17	price changes, not whether some larger price changes?
17 18	survey had asked about a fraction of the costs of display advertising increasing	17 18	price changes, not whether some larger price changes?
17 18 19	survey had asked about a fraction of the costs of display advertising increasing and not all of the display advertising cost increasing, you could expect to see a different level of diversion than what	17 18 19	price changes, not whether some larger price changes? MS. DEARBORN: Objection to
17 18 19 20	survey had asked about a fraction of the costs of display advertising increasing and not all of the display advertising cost increasing, you could expect to see	17 18 19 20	price changes, not whether some larger price changes? MS. DEARBORN: Objection to form.
17 18 19 20 21	survey had asked about a fraction of the costs of display advertising increasing and not all of the display advertising cost increasing, you could expect to see a different level of diversion than what you got in your sample?	17 18 19 20 21	price changes, not whether some larger price changes? MS. DEARBORN: Objection to form. THE WITNESS: I hate to
17 18 19 20 21 22	survey had asked about a fraction of the costs of display advertising increasing and not all of the display advertising cost increasing, you could expect to see a different level of diversion than what you got in your sample? MS. DEARBORN: Form.	17 18 19 20 21 22	<pre>price changes, not whether some larger price changes?</pre>

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1	Page 362		Page 364
	substitution, if any, of	1	respondents would understand what I was
2	increasing the cost of display or	2	referring to. Again, I tried, as much as
3	programatic display by a small	3	possible, to simplify.
4	but significant amount.	4	Q. Well, but your your
5	And I also asked about the	5	simplification, in this instance, asked a
6	extent of diversion or	6	
7	substitution.	7	question that is not relevant to the lawsuit. It asked a question about
· ·			-
8	As a result, we can	8	whether the cost of programatic
9	conclude that even if I were	9	advertising would go up, not whether the
10	asking about a portion of the	10	cost of tools used to purchase
11	of a particular component of	11	programatic advertising would go up.
12	display advertising, there would	12	Do you understand that?
13	still be substantial	13	MS. DEARBORN: Objection to
14	substitution.	14	form. Argumentive. Calls for a
15	BY MS. WOOD:	15	legal conclusion.
16	Q. Well, but you don't know	16	THE WITNESS: I said I
17	that, because you've already testified	17	already answered that previously.
18	that you don't know what the extent of	18	I'm happy to repeat.
19	the diversion would be if respondents	19	As I said, we can look at
20	were asked about the cost of AdTech tools	20	the actual data. And we know,
21	changing, not AdTech not	21	based on the degree of diversion,
22	advertisements overall changing?	22	that even if it were a component,
23	MS. DEARBORN: Objection to	23	and let's say there was a way to
24	form. Misstates prior testimony.	24	make the question crystal clear,
	Page 363		Page 365
1	THE WITNESS: As I said, we	1	there would still be substantial
2	have the data, but the degree to	2	substitutions substitution.
3	which they would divert, based on	3	BY MS. WOOD:
4	that, we know that even if it	4	Q. But you can't say what that
5	were lower than that, there would	5	diversion would be, because you don't
6	still be substitution,	6	have the data, correct?
7	substantial substitutions.	7	A. I asked the questions that I
_	Maybe it will be somewhat	8	asked.
8	different. But we know, based on	9	
8 9		9	Q. You asked in Question 7
	·	10	15
9	the data that are available, that	10	which of the following ad buying tools,
9	·		which of the following ad buying tools, if any, respondents used in the past
9 10 11 12	the data that are available, that there would still be substantial	10 11 12	which of the following ad buying tools, if any, respondents used in the past year.
9 10 11 12 13	the data that are available, that there would still be substantial substitution. BY MS. WOOD:	10 11 12 13	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that,
9 10 11 12 13 14	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to	10 11 12 13 14	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally?
9 10 11 12 13 14 15	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether	10 11 12 13 14 15	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes.
9 10 11 12 13 14 15 16	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but	10 11 12 13 14 15 16	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a
9 10 11 12 13 14 15 16 17	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but significant change in the cost of AdTech	10 11 12 13 14 15 16 17	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a respondent could answer that question
9 10 11 12 13 14 15 16 17	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but significant change in the cost of AdTech tools, right? Nothing prevented you from	10 11 12 13 14 15 16 17	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a respondent could answer that question with two or more ad buying tools, but
9 10 11 12 13 14 15 16 17 18	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but significant change in the cost of AdTech tools, right? Nothing prevented you from asking that question?	10 11 12 13 14 15 16 17 18	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a respondent could answer that question with two or more ad buying tools, but that wouldn't necessarily mean that that
9 10 11 12 13 14 15 16 17 18 19 20	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but significant change in the cost of AdTech tools, right? Nothing prevented you from asking that question? A. That would be a bad	10 11 12 13 14 15 16 17 18 19	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a respondent could answer that question with two or more ad buying tools, but that wouldn't necessarily mean that that respondent was using those two ad buying
9 10 11 12 13 14 15 16 17 18 19 20 21	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but significant change in the cost of AdTech tools, right? Nothing prevented you from asking that question? A. That would be a bad question.	10 11 12 13 14 15 16 17 18 19 20 21	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a respondent could answer that question with two or more ad buying tools, but that wouldn't necessarily mean that that respondent was using those two ad buying tools at the same time, correct?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but significant change in the cost of AdTech tools, right? Nothing prevented you from asking that question? A. That would be a bad question. Q. Why would that be a bad	10 11 12 13 14 15 16 17 18 19 20 21 22	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a respondent could answer that question with two or more ad buying tools, but that wouldn't necessarily mean that that respondent was using those two ad buying tools at the same time, correct? MS. DEARBORN: Form.
9 10 11 12 13 14 15 16 17 18 19 20 21	the data that are available, that there would still be substantial substitution. BY MS. WOOD: Q. You could have chosen to use to ask survey participants whether they would divert, based on a small but significant change in the cost of AdTech tools, right? Nothing prevented you from asking that question? A. That would be a bad question.	10 11 12 13 14 15 16 17 18 19 20 21	which of the following ad buying tools, if any, respondents used in the past year. Do you recall that, generally? A. Yes. Q. And you agreed that a respondent could answer that question with two or more ad buying tools, but that wouldn't necessarily mean that that respondent was using those two ad buying tools at the same time, correct?

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1	A. No.	1	in preparation for your
2	Q. And you didn't interview any	2	deposition today.
3	AdTech providers?	3	THE WITNESS: Okay.
4	A. Correct.	4	MS. DEARBORN: And
5	Q. What did you do to prepare	5	BY MS. WOOD:
6	for this deposition today?	6	Q. Were the documents you
7	MS. DEARBORN: As usual,	7	reviewed documents that Google's counsel
8	please set aside the contents of	8	showed to you? You can just answer that
9	communications with counsel.	9	yes or no.
10	THE WITNESS: So I reviewed	10	MS. DEARBORN: You can
11	the documents that I have,	11	answer that yes or no.
12	including my report or reports.	12	THE WITNESS: Yes.
13	Various and attachments.	13	MS. DEARBORN: And,
14	I met with counsel.	14	Counsel, I can make a
15	I think that's that's	15	representation that those were
16	what comes to mind.	16	not documents that were not
17	BY MS. WOOD:	17	produced in this case.
18	Q. And how long did you meet	18	MS. WOOD: Okay. In other
19	with counsel?	19	words, every document he saw had
20	A. So I think we had a meeting	20	been produced in this case?
21	also with the AG team. I think it was	21	MS. DEARBORN: Correct.
22	sort of a Zoom meeting that might have	22	BY MS. WOOD:
23	lasted about two hours. I'm not sure	23	Q. Okay. Do you recall, based
24	about that.	24	on reviewing those documents, that people
	Page 375		Page 377
1	Page 375 And I think I met with	1	at Google had some pretty negative things
1 2	And I think I met with counsel. And there were also people from	1 2	
	And I think I met with		at Google had some pretty negative things
2 3 4	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four	2 3 4	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't
2 3	And I think I met with counsel. And there were also people from AG the past two days. I think each	2 3	at Google had some pretty negative things to say about Advertiser Perceptions at times?
2 3 4	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than	2 3 4 5 6	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form.
2 3 4 5	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in	2 3 4 5 6 7	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that
2 3 4 5 6 7 8	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings?	2 3 4 5 6 7 8	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of
2 3 4 5 6 7	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so.	2 3 4 5 6 7	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we
2 3 4 5 6 7 8	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any	2 3 4 5 6 7 8	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed.
2 3 4 5 6 7 8 9 10	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your	2 3 4 5 6 7 8 9 10	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a
2 3 4 5 6 7 8 9 10 11	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your preparation for this deposition that were	2 3 4 5 6 7 8 9 10 11	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a document in front of me in
2 3 4 5 6 7 8 9 10 11 12	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your preparation for this deposition that were not produced?	2 3 4 5 6 7 8 9 10 11 12 13	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a document in front of me in front of him, you can ask him
2 3 4 5 6 7 8 9 10 11 12 13 14	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your preparation for this deposition that were not produced? A. It's possible.	2 3 4 5 6 7 8 9 10 11 12 13 14	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a document in front of me in front of him, you can ask him about that.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your preparation for this deposition that were not produced? A. It's possible. Q. What documents did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a document in front of me in front of him, you can ask him about that. But I'm going to instruct
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your preparation for this deposition that were not produced? A. It's possible. Q. What documents did you review that were not produced?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a document in front of me in front of him, you can ask him about that. But I'm going to instruct the witness not to answer as to
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your preparation for this deposition that were not produced? A. It's possible. Q. What documents did you review that were not produced? A. I saw an e-mail, internal e-mail, I think from 2018. MS. DEARBORN: Okay. And I don't think that you're entitled to get the contents of documents that were that were reviewed.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a document in front of me in front of him, you can ask him about that. But I'm going to instruct the witness not to answer as to the contents of documents that he reviewed with counsel. MS. WOOD: I'm not asking him that. I'm asking whether he recalls ever reviewing documents in which Google internal
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	And I think I met with counsel. And there were also people from AG the past two days. I think each meeting lasted, perhaps, maybe four, four and a half hours. Q. Did anyone else, other than the AG team and counsel, participate in those meetings? A. I don't think so. Q. And did you review any documents in connection with your preparation for this deposition that were not produced? A. It's possible. Q. What documents did you review that were not produced? A. I saw an e-mail, internal e-mail, I think from 2018. MS. DEARBORN: Okay. And I don't think that you're entitled to get the contents of documents that were that were reviewed.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	at Google had some pretty negative things to say about Advertiser Perceptions at times? A. I can't MS. DEARBORN: Objection to form. And I also don't think that you get to get at the contents of the of the information that we reviewed. So if you'd like to put a document in front of me in front of him, you can ask him about that. But I'm going to instruct the witness not to answer as to the contents of documents that he reviewed with counsel. MS. WOOD: I'm not asking him that. I'm asking whether he recalls ever reviewing documents in which Google internal

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	Page 378		Page 380
1	MS. DEARBORN: You can	1	they do that.
2	answer that question. It's a	2	Q. So you did nothing to verify
3	different question.	3	that independently?
4	THE WITNESS: Yes.	4	MS. DEARBORN: Form.
5	BY MS. WOOD:	5	THE WITNESS: Just as I
6	Q. Do you recall reviewing	6	don't verify it independently, in
7	documents in which Google employees	7	all the numerous other surveys
8	stated they didn't have a very high	8	that I conduct.
9	degree of confidence in the fidelity of	9	You have to work with firms
10	Advertiser Perceptions' research and	10	or panels that you trust.
11	methodologies?	11	BY MS. WOOD:
12	MS. DEARBORN: Objection to	12	Q. Why did you run the surveys
13	form.	13	consecutively rather than at the same
14	THE WITNESS: If I recall	14	time?
15	correctly, there was a particular	15	A. No particular reason.
16	individual who wrote that in an	16	
17	e-mail, about this fidelity	17	Q. Did you get preliminary results from the higher-spend advertiser
18		18	surveys before the lower-spend advertiser
19	language that you used. BY MS. WOOD:	19	
			survey or agency survey was launched?
20	Q. Do you recall whether there	20	A. I don't recall,
21	are other individuals at Google who	21	specifically. It's possible that I had
22	called Advertiser Perceptions "a junky	22	at least partial results for some of the
23	company with ridiculous results"?	23	questions for one survey before starting
24	MS. DEARBORN: Object to	24	the next.
	Page 379		Page 381
1	form.	1	MS. WOOD: Why don't we go
2	THE WITNESS: I think there	2	off the record.
3	was one other person in 2018 who	3	MS. DEARBORN: Sure.
4	wrote it in an e-mail.	4	THE VIDEOGRAPHER: Going
5	BY MS. WOOD:	5	off the record at 5:34 p.m.
6	Q. You write in your report	6	(Short break.)
7	that Advertiser Perceptions has a	7	THE VIDEOGRAPHER: We are
8	standard process they put in place to	8	going back on the record at
9	generate survey samples that are	9	5:47 p.m.
10	representative of the advertiser	10	MS. WOOD: I am done with
11	population they are intended to reach.	11	my examination, subject to the
12	Do you recall that?	12	reservation of rights that I made
13	A. Yes.	13	at the beginning of the
14	Q. What did you do to evaluate	14	examination. But I have no
15	that process that AP used to generate	15	further questions at this time.
16	representative survey samples?	16	MS. DEARBORN: And yeah,
17	A. So as I do in other surveys	17	I'll notice that I think you have
		18	
18 19	in which I rely on internet panels,	19	45 minutes remaining. So we'll meet and confer about it and come
	happens quite often, I have a general		
20	understanding that they have a list of	20	to a decision on next steps.
21	members and they randomly select from	21	MS. WOOD: Okay. Great.
22	that list.	22	MS. DEARBORN: I do have a
23	I I can't remember any	23	few questions for Dr. Simonson.
24	case in which I examined specifically how	24	MS. WOOD: And I obviously

		392			
1					
2	ACKNOWLEDGMENT OF DEPONENT				
3					
4	I, <u>Itamar Simonson</u> , do				
5	hereby certify that I have read the				
6	foregoing pages, 1 - 393, and that the				
7	same is a correct transcription of the				
8	answers given by me to the questions				
9	therein propounded, except for the				
10	corrections or changes in form or				
11	substance, if any, noted in the attached				
12	Errata Sheet.				
13					
14					
15	1-Simonton 3/28/2024				
16	ITAMAR SIMONSON, Ph.D. DATE				
17					
18					
19	Subscribed and sworn				
20	to before me this, 20				
21	My commission expires:				
22					
23	Notary Public				
24					

HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

Errata Sheet for the Transcription of Itamar Simonson, Ph.D.

Case Name: United States et al v. Google LLC, No. 1:23-cv-00108-LMB-JFA (E.D. Va.)

Depo. Date: February 28, 2024

Deponent: Itamar Simonson, Ph.D.

Page	Line	Original	Corrected	Reason
2	5	Suite 8700	Suite 8622	Transcription
				Error or Mistake
2	7	"julia.wood@usdoj.gov"	"julia.tarver.wood@usdoj.gov"	Transcription
				Error or Mistake
4	9	"OFFICDE"	"OFFICE"	Transcription
				Error or Mistake
20	9	"That will be the Meta"	"That would be the Meta"	Transcription
				Error or Mistake
25	22	"usually would be"	"usually it will be"	Transcription
				Error or Mistake
27	1	"will be the company"	"would be the company"	Transcription
				Error or Mistake
29	11	"order in that case"	"order entered in that case"	Transcription
				Error or Mistake
29	20	"anything. But one of	"anything that one of my	Clarification /
		my concerns"	concerns"	Transcription
				Error or Mistake
34	10:11	"It's one example"	"Yeah, it's one example"	Transcription
				Error or Mistake
45	12	"context effects and	"context effects in choice"	Transcription
		choice"		Error or Mistake
50	24	"should be reserved"	"should be preserved"	Transcription
				Error or Mistake
62	5	"You know, I"	"Yeah, I"	Transcription
				Error or Mistake
89	9	"it does apply"	"it does not apply"	Transcription
				Error or Mistake
89	13	"programatic"	"programmatic"	Spelling Error
91	21	"programatic"	"programmatic"	Spelling Error
92	5	"programatic"	"programmatic"	Spelling Error
92	17	"programatic"	"programmatic"	Spelling Error
101	20	"programatic"	"programmatic"	Spelling Error
101	23	"Programatic"	"Programmatic"	Spelling Error
102	13	"programatic"	"programmatic"	Spelling Error
102	21	"programatic"	"programmatic"	Spelling Error
104	16	"programatic"	"programmatic"	Spelling Error

Case 1:23-cv-00108-LMB-JFA Document 1096-2 Filed 08/01/24 Page 37 of 44 PageID# 80900 HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

111	2	"So it was sort of just a	"So it was sort of just to get"	Transcription
112	10	get"	\$6	Error or Mistake
112	19	"programatic"	"programmatic"	Spelling Error
126	1	"up 14"	"up being 14"	Transcription
126	17 10			Error
126	17:18	"there was no given	"there was no given the	Transcription
122	1.4	number. They were not"	number, they were not"	Error/Clarification
132	14	"ad pros"	"AdPros"	Spelling Error
133	3	"ad pros"	"AdPros"	Spelling Error
133	17	"ad pros"	"AdPros"	Spelling Error
133	21	"ad pros"	"AdPros"	Spelling Error
134	7	"ad pros"	"AdPros"	Spelling Error
134	14	"ad pros"	"AdPros"	Spelling Error
134	19:20	"ad pros"	"AdPros"	Spelling Error
135	16	"add pros"	"AdPros"	Spelling Error
135	17	"ad pros"	"AdPros	Spelling Error
135	18	"ad pros"	"AdPros"	Spelling Error
144	7	"But you wouldn't have	"But you wouldn't have had	Transcription
		to"	to"	Error or Mistake
185	6:7	"They have different	"There are different ways"	Transcription
		ways"		Error or Mistake
194	22	"programatic"	"programmatic"	Spelling Error
199	17	"you are not going to	"you cannot derive"	Transcription
		derive"		Error or Mistake
200	9:10	"you also serve as	"you also as a researcher, you	Transcription
		searcher. You cannot	cannot look at that"	Error/Clarification
		look at that"		
206	2	"programatic"	"programmatic"	Spelling Error
206	5	"programatic"	"programmatic"	Spelling Error
212	16	"programatic"	"programmatic"	Spelling Error
221	8:9	"given with all but such	"given we talk about such a	Transcription
		a small sample"	small sample"	Error/Clarification
222	6:8	"I hesitate to I believe	"I hesitate to I believe so,	Transcription
		so. Nothing comes to	yes. I don't nothing comes	Error/Clarification
		mind"	to mind"	
236	9:10	"this think-aloud product	"this think-aloud protocol	Transcription
		called methodology"	methodology"	Error/Clarification
239	7	"or some cost effect"	"or the sunk cost effect"	Transcription
	<u></u>			Error or Mistake
255	14	"And they speculated"	"And he speculated"	Transcription
			_	Error or Mistake
262	13	"As I said, you are	"As I said, you looking"	Transcription
		looking"		Error/Clarification
274	5	"programatic actions"	"programmatic auctions"	Spelling Error

Case 1:23-cv-00108-LMB-JFA Document 1096-2 Filed 08/01/24 Page 38 of 44 PageID# 80901 HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

289	18	"survey-sponsored	"survey sponsor and purpose"	Transcription
222	-	purpose"	(())	Error/Clarification
333	7	"programatic"	"programmatic"	Transcription
				Error or Mistake
340	6:7	"the foreseeable to you"	"the foreseeable future to you"	Transcription
				Error or Mistake
348	14	"programatic"	"programmatic"	Transcription
				Error or Mistake
348	15	"whether it will"	"whether they will"	Transcription
				Error or Mistake
352	16	"programatic"	"programmatic"	Spelling Error
352	24	"programatic"	"programmatic"	Spelling Error
353	14	"programatic"	"programmatic"	Spelling Error
354	7	"programatic"	"programmatic"	Spelling Error
354	14	"programatic"	"programmatic"	Spelling Error
354	16	"programatic cost of	"programmatic cost of	Spelling Error
		programatic"	programmatic"	
354	23	"programatic"	"programmatic"	Spelling Error
355	5	"programatic"	"programmatic"	Spelling Error
355	14	"programatic"	"programmatic"	Spelling Error
357	6:7	"The reason I make in	"There is no link in my mind"	Transcription
		my mind"	·	Error/Clarification
358	22	"programatic"	"programmatic"	Spelling Error
362	3	"programatic"	"programmatic"	Spelling Error
363	2	"have the data, but the	"have the data about the	Transcription
		degree"	degree"	Error/Clarification
364	8	"programatic"	"programmatic"	Spelling Error
364	11	"programatic"	"programmatic"	Spelling Error
365	16	"And you agreed"	"And you agree"	Transcription
				Error or Mistake
370	2	"programatic"	"programmatic"	Spelling Error
371	2	"programatic"	"programmatic"	Spelling Error

HIGHLY CONFIDENTIAL ERRATA SHEET FOR THE TRANSCRIPT OF:

Case Name: United States et al. v. Google LLC, No. 1:23-cv-00108 (E.D. Va.)

Deposition Date: 02/28/2024

Deponent: Professor Itamar Simonson

CORRECTIONS

Page	Line	Change	Reason
13	18	The words "list in hindsight. It" should read "list in hindsight, it"	Transcription error
18	4	The word "There" should read "They"	Transcription error
18	5	The words "headed a position" should read "had a deposition"	Transcription error
30	12	The word "doctorate" should read "doctoral"	Transcription error
30	15	The word "or" should read "or the"	Transcription error
31	10	The word "receive" should read "received"	Transcription error
31	10	The words "Nobel Prize" should read "the Nobel Prize"	Clarification
34	22	The word "group" should read "groups"	Transcription error
37	18	The word "likely" should read "likelihood of"	Transcription error
43	4	The words "ranked ordered" should read "rank ordered"	Transcription error
44	16	The word "decisionmaking" should read "decision making"	Transcription error
44	21	The word "decisionmaking" should read "decision making"	Transcription error
44	24	The words "much better and rely" should read "much better at relying"	Transcription error
46	10	The word "Are" should read "They're"	Transcription error
47	10	The words "work for" should read "work for a"	Clarification
47	10	The word "firm" should read "firm?"	Transcription error
52	21	The words "there's, like" should read "that's like"	Transcription error
55	21	The words "testify about" should read "testify about it"	Transcription error

57	10	The word "Archer-Daniels" should read "Archer Daniels"	Transcription error
57	23	The word "listed" should read "not listed"	Transcription error
57	23	The word "not" should read "no"	Transcription error
58	11	The words "testify. It" should read "testify if it"	Transcription error
58	12	The word "in" should read "on"	Transcription error
65	10	The words "can find" should read "can find it"	Transcription error / clarification
74	18	The word "was" should read "were"	Transcription error
85	13	The word "Abarantes" should read "Abrantes"	Transcription error
91	21	The word "programatic" should read "programmatic"	Transcription error
92	5	The word "programatic" should read "programmatic"	Transcription error
92	17	The word "programatic" should read "programmatic"	Transcription error
101	20	The word "programatic" should read "programmatic"	Transcription error
101	23	The word "programatic" should read "programmatic"	Transcription error
102	13	The word "programatic" should read "programmatic"	Transcription error
102	21	The word "programatic" should read "programmatic"	Transcription error
104	16	The word "programatic" should read "programmatic"	Transcription error
109	4	The word "less" should read "less than"	Transcription error
110	7	The words "there was" should read "it was about"	Transcription error
111	2	The words "just a get" should read "just to get"	Transcription error
111	15	The words "there are" should read "these were"	Transcription error
112	19	The word "programatic" should read "programmatic"	Transcription error
116	8	The word "recognize" should read "recognized"	Transcription error
116	16	The word "agency" should read "and agency"	Transcription error
125	11	The word "one" should read "an"	Transcription error

128	6	The word "pick" should read "picked"	Transcription error
	2		•
130	2	The words "report list" should read "report lists"	Transcription error
132	14	The words "ad pros" should read "Ad Pros"	Transcription error
133	3	The words "ad pros" should read "Ad Pros"	Transcription error
133	17	The words "ad pros" should read "Ad Pros"	Transcription error
133	21	The words "ad pros" should read "Ad Pros"	Transcription error
134	7	The words "ad pros" should read "Ad Pros"	Transcription error
134	14	The words "ad pros" should read "Ad Pros"	Transcription error
134	19-20	The words "ad pros" should read "Ad Pros"	Transcription error
135	16	The words "ad pros" should read "Ad Pros"	Transcription error
135	18	The words "ad pros" should read "Ad Pros"	Transcription error
136	15	The words "ad pros" should read "Ad Pros"	Transcription error
141	17	The word "kept" should read "keep"	Transcription error
143	2	The word "resident" should read "residence"	Transcription error
148	1	The words "might have followed" should read "might have been followed"	Omission
149	16	The words "apropos all" should read "all"	Transcription error
155	4	The word "attorney" should read "attorneys"	Transcription error
156	23	The word "interview" should read "interviewer"	Transcription error
157	23	The word "your" should read "the"	Transcription error
158	23	The word "received" should read "received the"	Transcription error
177	6	The word "did" should read "do"	Transcription error / clarification
184	10	The words "That saying" should read "That said"	Transcription error
194	22	The word "programatic" should read "programmatic"	Transcription error
200	1	The word "alternative" should read "alternatively"	Transcription error
200	9-10	The words "you also serve as searcher. You" should read "you also as a researcher, you"	Transcription error
202	21	The words "than about those" should read "than on those"	Clarification
206	2	The word "programatic" should read "programmatic"	Transcription error
206	5	The word "programatic" should read	Transcription error

		"programmatic"	
206	18	The word "No" should read "Now"	Transcription error
210	5	The word "point" should read "points"	Transcription error
212	16	The word "programatic" should read "programmatic"	Transcription error
213	5	The word "to" should read "the"	Transcription error
213	17	The words "from between" should read "between"	Transcription error
218	24	The word "that" should read "that's"	Transcription error
221	8-9	The words "with all but" should read "we talk about"	Transcription error
224	5	The word "result" should read "results"	Transcription error
225	17	The words "southern district" should read "Southern District"	Transcription error
236	3	The words "the hypothesis" should read "hypotheses"	Transcription error
236	9	The words "product called" should read "protocol"	Transcription error
239	7	The word "some" should read "sunk"	Transcription error
241	10	The word "clear" should read "clear?"	Transcription error
242	9	The word "is" should read "were"	Transcription error
244	16	The word "right" should read "the right"	Transcription error
249	8	The word "term" should read "terms"	Clarification
255	14	The word "they" should read "he"	Transcription error
257	12	The words "just Dr. Hoyer" should read "Dr. Hoyer just"	Transcription error
272	7	The word "marketings" should read "marketing"	Transcription error
272	10	The word "criteria" should read "criterion"	Transcription error
274	5	The word "programatic" should read "programmatic"	Transcription error
279	21	The words "you see if" should read "if you see"	Transcription error
287	15	The word "Volkswagon" should read "Volkswagen"	Transcription error
295	14	The word "effect" should read "a fact"	Transcription error
295	15	The words "between – about" should read "between about"	Transcription error

298	7	The word "questions" should read "question"	Transcription error
298	21	The words "experts who prepare" should read "expert who prepared"	Transcription error / clarification
299	12	The word "line" should read "lines"	Transcription error
309	7	The word "were" should read "who were"	Transcription error
318	20	The words "very many" should read "many very"	Transcription error
319	1	The word "patterns" should read "patents"	Transcription error
335	2	The words "No respondents" should read "No respondent"	Transcription error
342	13	The word "never" should read "they never"	Transcription error
343	11	The words "attribute. That's" should read "attribute that's"	Transcription error
345	7	The word "seller" should read "sellers"	Transcription error
346	7	The word "at" should read "to"	Transcription error
348	14	The word "programatic" should read "programmatic"	Transcription error
349	11	The words "this question" should read "these questions"	Transcription error
351	12	The word "it" should read "if it"	Transcription error
352	16	The word "programatic" should read "programmatic"	Transcription error
352	24	The word "programatic" should read "programmatic"	Transcription error
353	14	The word "programatic" should read "programmatic"	Transcription error
354	7	The word "programatic" should read "programmatic"	Transcription error
354	14	The word "programatic" should read "programmatic"	Transcription error
354	16	The word "programatic" should read "programmatic"	Transcription error
354	23	The word "programatic" should read "programmatic"	Transcription error
355	5	The word "programatic" should read "programmatic"	Transcription error
355	14	The word "programatic" should read "programmatic"	Transcription error
358	22	The word "programatic" should read	Transcription error

		"programmatic"	
361	9	The word "do" should read "do it"	Clarification
362	3	The word "programatic" should read "programmatic"	Transcription error
363	7	The word "substitutions" should read "substitution"	Transcription error
364	8	The word "programatic" should read "programmatic"	Transcription error
364	11	The word "programatic" should read "programmatic"	Transcription error
366	22	The words "they ask" should read "they were asked"	Transcription error
370	2	The word "programatic" should read "programmatic"	Transcription error
371	2	The word "programatic" should read "programmatic"	Transcription error
383	6	The words "to the" should read "to"	Transcription error
383	15	The word "Number" should read "number"	Transcription error

I have inspected and read my deposition and have listed all changes and corrections above, along with my reasons therefor.

Date: 3/28/2024

Itamar Simonson, Ph.D.

I. Simoner